

STATE OF MICHIGAN
IN THE SUPREME COURT OF THE STATE OF MICHIGAN

ERIC L. VANDUSSEN,

Case No. _____

Plaintiff,

v

JACKSON COUNTY 4TH CIRCUIT
COURT JUDGE THOMAS WILSON,

Defendant.

RULING NEEDED BY
OCTOBER 1, 2022

ERIC L. VANDUSSEN
Plaintiff in pro per
P.O. Box 30
Benzonia, MI 49616
(231) 651-9189
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**MOTION UNDER MCR 7.311(E) FOR IMMEDIATE CONSIDERATION OF
EMERGENCY COMPLAINT FOR WRIT OF SUPERINTENDING CONTROL
AND FOR ORDER TO SHOW CAUSE WHY THE DEFENDANT SHOULD
NOT BE HELD IN CONTEMPT OF THE SUPREME COURT
& BRIEF IN SUPPORT**

Plaintiff, ERIC L. VANDUSSEN, in pro per, respectfully moves this Court, under Michigan Court Rule 7.311(E), for immediate consideration of his EMERGENCY COMPLAINT FOR WRIT OF SUPERINTENDING CONTROL AND FOR ORDER TO SHOW CAUSE WHY THE DEFENDANT SHOULD NOT BE HELD IN CONTEMPT OF THE SUPREME COURT. Plaintiff seeks to expedite consideration of his Emergency Complaint for Superintending Control in this matter so that a final judicial decision is rendered by this Court not later than September 30, 2022, and he further states:

PARTIES & JURISDICTION

1. Plaintiff, ERIC L. VANDUSSEN, is an individual residing within the County of Benzie, State of Michigan, and Plaintiff is the owner of VanDussen Productions.

2. Defendant, JACKSON COUNTY 4TH CIRCUIT COURT JUDGE THOMAS WILSON, (hereinafter: Defendant or Judge Wilson) is a judicial officer that is subservient to Michigan's Supreme Court.

3. Plaintiff is alleging in this original action that Defendant has repeatedly violated Michigan Supreme Court Administrative Order 1989-1, which states that a “trial judge’s decision to terminate, suspend, limit, or exclude film or electronic media coverage is not appealable, by right or by leave.” AO 1989-1(2)(a)(iv)

4. MCR 3.302 indicates, in pertinent part, that:

(A) Scope. A superintending control order enforces the superintending control power of a court over lower courts or tribunals.

(B) Policy Concerning Use. If another adequate remedy is available to the party seeking the order, a complaint for superintending control may not be filed. See subrule (D)(2), and MCR 7.101(A)(2), and 7.306(A).

[...]

(D) Jurisdiction.

(1) The Supreme Court, the Court of Appeals, and the circuit court have jurisdiction to issue superintending control orders to lower courts or tribunals.

(2) When an appeal in the Supreme Court, the Court of Appeals, or the circuit court is available, that method of review must be used. If superintending control is sought and an appeal is available, the complaint for superintending control must be dismissed.

5. MCR 7.303(B) states that:

The Supreme Court may [...]

(5) exercise superintending control over a lower court or tribunal (see MCR 7.306);

(6) exercise other jurisdiction as provided by the constitution or by law.

6. MCR 7.306 specifically relates to “ORIGINAL PROCEEDINGS” and it indicates, in pertinent part:

(A) Superintending Control. A complaint may be filed to invoke the Supreme Court’s superintending control power:

(1) over a lower court or tribunal, including the Attorney Discipline Board, when an application for leave to appeal could not have been filed under MCR 7.305 [...]

(B) A complaint may be filed to invoke the Supreme Court’s original jurisdiction under Const 1963, art 4, § 6(19).

(C) What to File. To initiate an original proceeding, a plaintiff must file with the clerk:

(1) 1 signed copy of a complaint prepared in conformity with MCR 2.111(A) and (B) and entitled, for example, “[Plaintiff] v [Court of Appeals, Board of Law Examiners, Attorney Discipline Board, Attorney Grievance Commission, or Independent Citizens Redistricting Commission].”

The clerk shall retitle a complaint that is named differently.

(2) 1 signed copy of a brief conforming as nearly as possible to MCR 7.212(B) and (C);

(3) proof that the complaint and brief were served on the defendant, [...]

(4) the fee provided by MCR 7.319(C)(1).

Copies of relevant documents, record evidence, or supporting affidavits may be attached as exhibits to the complaint.

7. Const 1963 Article VI § 4 states that “the supreme court shall have general superintending control over all courts; power to issue, hear and determine prerogative and remedial writs; ...”

8. Plaintiffs have no adequate legal remedy to challenge the administrative actions of Defendant other than a complaint seeking a writ of superintending control and there is no other available or feasible avenue for Plaintiff to rectify the Defendant’s repeated violations of Michigan Supreme Court Administrative Order 1989-1.

GENERAL ALLEGATIONS

9. Plaintiff incorporates by reference paragraphs 1 through 8 and further states:

10. Plaintiff is a freelance journalist and videographer who has been researching and reporting on the conspiracy to kidnap Michigan Governor Gretchen Whitmer, since early October of 2020.¹

11. On September 12, 2022, Plaintiff filed three Requests and Notices for Film and Electronic Media Coverage of Court Proceeding forms with the Jackson County Clerk regarding the upcoming trial of PETE MUSICO, JOSEPH MORRISON, and PAUL BELLAR, File Nos. 20-3173-FH, 20-3172-FH & 20-3171-FH. **(EXHIBITS 1a, 1b & 1c)**

12. Plaintiff’s September 12, 2022, media access requests notified Defendant that Plaintiff intended to record and broadcast courtroom proceedings in the above-described criminal

¹ (See: Lawmakers, police, governor warned in May about armed militia, threats – October 10, 2020: https://www.record-eagle.com/news/local_news/lawmakers-police-governor-warned-in-may-about-armed-militia-threats/article_5fb79f72-0a62-11eb-91ca-cbaf8bb468f0.html - last accessed on 09/28/2022) & Who is Wolverine Watchmen Attorney Nicholas Somberg? – February 12, 2022: <https://medium.com/@ericvandussen/who-is-wolverine-watchmen-attorney-nicholas-somberg-49dc6383a5fc> - last accessed on 09/28/2022)

cases using video, audio and photographic media on “Oct. 3, 2022 - Oct. 31, 2022 / end of trial.”

13. On March 29, 2021, Michigan’s Department of Attorney General issued a press release entitled “Members of Wolverine Watchmen to Stand Trial,” which indicated:

LANSING - Three known members of the Wolverine Watchmen who are facing charges for allegedly participating in a plot to storm the state Capitol building and kidnap elected officials, will stand trial for their involvement, Attorney General Dana Nessel announced today.

"We must send a clear message that those who seek to do violence against our institutions of democracy and our elected representatives are not patriots, they are criminals," said Nessel. "My office is pleased to see this case move forward and to have the opportunity to hold these men accountable for their actions."

Joseph Morrison, Paul Bellar and Pete Musico appeared in court Monday for a preliminary exam before Judge Michael Klaeren of the 12th District Court in Jackson County where they were bound over and will stand trial for their part in the alleged plot.

Morrison, 26, of Munith, was bound over on the following charges:

- Gang membership, a 20-year felony that may be served as a consecutive sentence;
- Providing material support for terrorist acts; and
- Carrying or possessing a firearm during the commission of a felony; felony firearm - a two-year mandatory prison sentence to be served consecutively.

Bellar, 21, of Milford, was bound over on the following charges:

- Providing material support for terrorist acts, a 20-year felony and/or \$20,000 fine;
- Gang membership, a 20-year felony, which may be served as a consecutive sentence; and
- Carrying or possessing a firearm during the commission of a felony; felony firearm - a two-year mandatory prison sentence to be served consecutively.

Musico, 42, of Munith, was bound over on the following charges:

- Gang membership, a 20-year felony that may be served as a consecutive sentence;
- Providing material support for terrorist acts, a 20-year felony and/or \$20,000 fine; and
- Carrying or possessing a firearm during the commission of a felony; felony firearm - a two-year mandatory prison sentence to be served consecutively.

Morrison, Bellar and Musico are three of several men arrested on domestic terrorism charges after a joint operation by state and federal authorities in early October exposed a plot that included targeting law enforcement officers, threatening violence to incite a civil war, planning an attack on the state Capitol building and kidnapping government officials, including Gov. Gretchen Whitmer. [...] ²
[emphasis added]

14. Michigan Supreme Court Administrative Order No. 1989-1, [as amended by order of December 5, 2012, effective January 1, 2013] regulates “Film or Electronic Media Coverage of Court Proceedings and it mandates, in pertinent part, that:

The following guidelines shall apply to film or electronic media coverage of proceedings in Michigan courts:

[...]

2. Limitations.

(a) In the trial courts.

(i) **Film or electronic media coverage shall be allowed upon request in all court proceedings.** Requests by representatives of media agencies for such coverage must be made in writing to the clerk of the particular court not less than three business days before the proceeding is scheduled to begin. A judge has the discretion to honor a request that does not comply with the requirements of this subsection. The court shall provide that the parties be notified of a request for film or electronic media coverage.

(ii) **A judge may terminate, suspend, limit, or exclude film or electronic media coverage at any time upon a finding, made and articulated on the record in the exercise of discretion, that**

² (See: <https://www.michigan.gov/ag/news/press-releases/2021/03/29/members-of-wolverine-watchmen-to-stand-trial> - last accessed on 09/28/2022)

the fair administration of justice requires such action, or that rules established under this order or additional rules imposed by the judge have been violated. The judge has sole discretion to exclude coverage of certain witnesses, including but not limited to the victims of sex crimes and their families, police informants, undercover agents, and relocated witnesses. [emphasis added]

15. On September 20, 2022, Defendant entered an Order, which was served on Plaintiff by email, and it indicated, in pertinent part, that:

WHEREAS, the Court received a Request and Notice for Film and Electronic Media Coverage of Court Proceedings, for each file herein.

IT IS SO ORDERED, that the request to film or record the Court proceedings is denied, as the proceedings will be broadcasted on YouTube. [emphasis added] (EXHIBIT 2)

16. On September 21, 2022, Plaintiff filed with the Jackson County Clerk, by email, an “EMERGENCY MOTION FOR RECONSIDERATION OF [JUDGE WILSON’S] SEPTEMBER 20, 2022, ORDER DENYING VANDUSSEN PRODUCTIONS REQUEST FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS and BRIEF IN SUPPORT.”³

17. Plaintiff’s September 21, 2022, email was sent directly to the elected Jackson County Clerk, Defendant’s Clerk Elizabeth Watkins and to all of the attorneys of record for the above-described criminal cases. Said email indicated, in pertinent part:

Attached for filing in the three captioned cases is my EMERGENCY MOTION FOR RECONSIDERATION OF THIS COURT’S SEPTEMBER 20, 2022, ORDER DENYING VANDUSSEN PRODUCTIONS REQUEST FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS, BRIEF IN SUPPORT & PROOF OF SERVICE.

³ (See: <https://archive.org/download/vandussen-productions-motion-for-reconsideration-of-order-denying-media-access-by-jackson-cc-09-21-22/vandussen-productions-motion-for-reconsideration-of-order-denying-media-access-by-jackson-cc-09-21-22.pdf> / last accessed on 09/28/2022)

It is my understanding that the Jackson Circuit Court may not be accepting filings by email any longer so I have mailed out today a hardcopy of same for each file, along with a Judge's Copy.

I would appreciate it if we could schedule my motion to be heard on September 27, 2022, at 10:30 AM, or any other time that's available before that day. **(EXHIBIT 3)**

18. Also on September 21, 2022, Plaintiff filed three additional Requests and Notices for Film and Electronic Media Coverage of Court Proceeding forms with the Jackson County Clerk regarding a pretrial hearing scheduled to be held in the above-described criminal cases on September 27, 2022, at 10:30 AM. **(EXHIBITS 4a, 4b & 4c)**

19. On September 22, 2022, at 2:02 PM the Jackson County Clerk's office emailed Plaintiff proof of the payment he made over the phone for filing fees associated with said emergency reconsideration motion. **(EXHIBIT 5)**

20. On September 22, 2022, Plaintiff received an email from Defendant's Clerk Elizabeth Watkins, which indicated, in pertinent part, that:

Your media requests were forwarded to me by the clerk's office this morning. Judge has reviewed them and has denied the requests. An Order is attached. **(EXHIBIT 6)**

21. Defendant's September 22, 2022, Order indicated, in pertinent part:

WHEREAS, the Court received a Request and Notice for Film and Electronic Media Coverage of Court Proceedings, for each file herein

IT IS SO ORDERED, that the request to film or record the Court proceedings is denied, as the proceedings will be broadcasted on YouTube so in court filming or recording is not necessary.
[emphasis added] **(EXHIBIT 7)**

22. Plaintiff emailed a reply to Defendant's Clerk Elizabeth Watkins, at 3:31 PM on

September 22, 2022, and inquired:

Did Judge Wilson receive the Judge's Copy of my Emergency Motion for Reconsideration regarding the first denial Order he issued on September 20? I talked with the county clerk's office a few hours ago and they confirmed that it was received.

Who do I talk to about setting that motion for hearing on an emergency basis? **(EXHIBIT 8)**

23. On September 23, 2022, Plaintiff received an email from Defendant's Clerk Elizabeth Watkins, which indicated, in pertinent part, that:

Our office is in receipt of the hard copies of Mr. VanDussen's motion. After speaking with Judge, the motion will be placed on the docket for Tuesday, September 27, 2022 at 10:30am. **(EXHIBIT 9)**

24. On September 26, 2022, Plaintiff went to the Jackson County Clerk's office and obtained a copy of the register of actions regarding the criminal files of Pete Musico, Joseph Morrison and Paul Bellar. **(EXHIBIT 10, 11 & 12)**

25. After reviewing the register of actions related to the Musico, Morrison and Bellar cases, Plaintiff was able to ascertain from the docket entries that approximately 13 media access requests had been filed in each of those cases their cases were bound over to the Jackson County Circuit Court, in April of 2021.

26. Said register of actions reveal that the two media access requests that Plaintiff filed in the Musico, Morrison and Bellar cases are the only ones that Defendant has denied.

27. Said register of actions also reveal that the media entity MLive submitted a media access requests on September 20, 2020, pertaining to the trial of Musico, Morrison and Bellar and that MLive's request has not been denied.

28. On September 27, 2022, Plaintiff initially arrived in Defendant's courtroom at

approximately 9:30 AM in preparation for the arguments regarding Plaintiff's Emergency Motion for Reconsideration, which were scheduled to begin at 10:30 a.m.

29. Plaintiff asked Defendant's law clerk if Defendant's written Order denying Plaintiff's request to film and record that day's court proceedings also prohibited Plaintiff from filming Musico, Morrison and Bellar in the hallway, outside of Defendant's courtroom.

30. Plaintiff observed Defendant's Law Clerk ask Defendant if Plaintiff was prohibited from filming in the hallway and Defendant invited Plaintiff up to the lectern at that time to discuss the matter.

31. After a brief verbal exchange, Defendant informed Plaintiff that he could not film in the hallway outside Defendant's courtroom and Defendant indicated that, if Plaintiff did so, he would be held in contempt.

32. Although Plaintiff believed Defendant's oral Order prohibiting Plaintiff from filming in the hallway outside Defendant's courtroom was unlawful, Plaintiff still complied with Defendant's command because Plaintiff truly believed he would be held in contempt and arrested if he did so.

33. After a brief delay, Defendant invited Plaintiff back up to the lectern for oral arguments regarding Plaintiff's aforesaid Emergency Motion for Reconsideration.

34. Plaintiff then presented to Defendant and the attorneys for each party a one-page document Plaintiff had prepared that enumerated each docket entry from the register of actions where media access requests had been filed. **(EXHIBIT 13)**

35. Plaintiff argued that he believed Defendant was arbitrarily and capriciously

denying Plaintiff's media access requests.

36. Plaintiff then made an oral motion asking that Defendant immediately reverse his denial of Plaintiff's request to film and record the September 27, 2022, court proceedings and Defendant summarily denied Plaintiff's request.

37. Plaintiff made another oral motion asking Defendant to allow Plaintiff to just audio record Plaintiff's oral arguments and the remainder of the Musico's, Morrison's and Bellar's court proceedings that day, and Defendant also denied that request without making findings on the record regarding the "fair administration of justice" standard mandated by Michigan Supreme Court Administrative Order 1989-1.

38. Plaintiff explained to Defendant that the quality of audio and video that Plaintiff was intending to capture during the trial of the Musico, Morrison and Bellar was likely far superior to Defendant's courtroom YouTube streaming capabilities.

39. Plaintiff advised Defendant that nowhere within AO 1989-1 does it permit judges to ignore its mandates if they intend to stream their court proceedings on YouTube.

40. Plaintiff asked Defendant whether Defendant was going to grant or deny the media access request that MLive had submitted for the upcoming trial of the Musico, Morrison and Bellar and Defendant informed Plaintiff that he had not yet decided.

41. At the conclusion of Plaintiff's oral arguments, Defendant informed Plaintiff that he was upholding his initial denial of Plaintiff's request to film and record the trial of Musico, Morrison and Bellar, which is currently scheduled to commence on October 3, 2022.

42. Defendant did not make any findings on the record during Plaintiff's September 27, 2022, oral arguments regarding the "fair administration of justice" standard mandated by

Michigan Supreme Court Administrative Order 1989-1.

43. Defendant simply reiterated his written Orders and indicated that he was denying Plaintiff's media access requests because he would be streaming the Musico, Morrison and Bellar' trial on YouTube and Defendant said the media could just watch the proceedings there.

44. Defendant's two aforementioned Orders, which summarily denied Plaintiff the right to film and record Defendant's court proceedings, are still in full effect and Plaintiff is filing this action to obtain an Order from this Court to compel Defendant to permit Plaintiff to film and record all future hearings held in Defendant's courtroom and, especially, the jury trial for Musico, Morrison and Bellar, which is scheduled to begin on October 3, 2022.

45. On July 30, 2009, MLive News reported that:

Legal proceedings before the Michigan Supreme Court are going online. Video of oral arguments, administrative conferences and hearings are to be recorded at the Hall of Justice, then posted on the State Bar of Michigan's Web site, according to a news release from the court.

The first videos, including a welcome by Chief Justice Marilyn Kelly, have been posted at www.michbar.org/courts/virtualcourt.cfm.

"While our hearings and administrative conferences are in public, not everyone can make the trip to Lansing to attend," Kelly said in the release. "In a digital age, the public increasingly expects not only physical access but also virtual access to government.

"With this expansion of the court's online presence, viewers will need only an Internet connection to watch the court at work."

Michigan Government Television will continue to broadcast Supreme Court proceedings, which it has done since 1996. MGTV's broadcast schedule is available at www.mgtv.org.⁴

46. On September 24, 2019, Michigan Supreme Court Chief Justice Bridget Mary

⁴ (See: https://www.mlive.com/news/kalamazoo/2009/07/video_of_michigan_supreme_cour.html – last accessed on 09/21/2022)

McCormack sent a letter on, to the U.S. House Committee on the Judiciary Subcommittee on Courts, Intellectual Property, and the Internet to advocate for “opening the doors of federal courts to television coverage” and Justice McCormack further asserted, in pertinent part, that:

Sunshine is a powerful thing, especially when it comes to revealing to the public how our government works. In the legislative and executive branches, sunshine leads to better public policy, informed by public input. In the judiciary, sunshine leads to better public understanding and increased trust in judicial decisions. That trust is the bedrock of our democracy; however, blocking broadcast media access to federal courts undermines public trust and thwarts the democratic process.

My view on opening the doors of federal courts to television coverage is simple: It's the public's court. They should be able to watch it work with as little difficulty as possible. My dad watches the Michigan Supreme Court online when we have oral arguments, he should be able to do the same with U.S. Supreme Court and every other federal court.

* * *

More transparency is also important for procedural fairness. When people understand what the court is doing, and understand how it works and how it makes its decisions, and even understands why it makes those decisions, they are more likely to follow them. This openness builds confidence in the rule of law and encourages the public to participate in future proceedings and to follow the court's orders.

Opposition to broadcast media access relies on tired old maxims that have long been disproven by practice in courts nationwide who have embraced transparency and sunshine over closed doors and darkness. For example, some say TV cameras distract participants. In our courtroom, cameras are simply a fixture of proceedings, no more distracting than a podium or a

chair but just as necessary. And some say TV diminishes the dignity of the courts. The opposite is true: blocking public access makes the public wonder what less than dignified things might be happening behind closed doors.

Nearly every state allows some form of camera coverage in the courtroom." While some are more expansive than others, Michigan sets the standard in its court rule` which puts the burden on those who oppose a camera in the court to make a compelling case on the record as to

why cameras should not be allowed. Such cases might include protecting the identity of a sexual assault victim.

In Michigan, the Supreme Court not only streams our proceedings in real time on our website and makes them available on a YouTube channel after the fact [...] **(EXHIBIT 14)**

47. Plaintiff has, on multiple occasions, been granted permission by Michigan's Supreme Court to film and record their court proceedings, despite the fact that those same proceedings were simultaneously being filmed, streamed and broadcasted by MGTV and others.⁵

48. The Defendant's arbitrary and capricious denials of Plaintiff's request to film court proceedings in the Jackson County Circuit Court do not even come close to complying with AO 1989-1(2)(a)(ii) because Defendant failed to "articulate on the record" any particularized "finding" of how or why the "fair administration of justice requires such action."

49. Defendant failed to perform its clear legal duty of either granting Plaintiff's request for media access or articulating on the record a "finding" demonstrating how the "fair administration of justice requires such action." See: AO 1989-1

50. Expeditious and immediate consideration of this matter by this Court is absolutely necessary because Plaintiff is entitled to film and record the above-described court proceedings scheduled to be heard in Defendant's court on September 27, 2022, and a trial scheduled to commence on October 3, 2022.

51. The issues presented in this EMERGENCY COMPLAINT are very likely to recur and will certainly evade review unless this Honorable Court promptly intervenes.

⁵ People v Kolanek - MI Medical Marijuana Appeal - January 12, 2012 - <https://vimeo.com/35062545> ; People v Bylsma - MI Supreme Court Medical Marijuana Oral Arguments - October 11, 2012 - <https://vimeo.com/51460012> ; People v McQueen - MI Supreme Court Medical Marijuana Oral Arguments - October 11, 2012: <https://vimeo.com/51442426> ; & Ter Beek v Wyoming - MI Supreme Court oral arguments - October 10, 2013: <https://vimeo.com/79968136> (links last accessed on 09/21/2022)

52. Plaintiff is submitting an accompanying brief in support of this Complaint for Writ of Superintending Control, along with a Motion for Immediate Consideration.

RELIEF

WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:

- A. Grant Plaintiff's request for Immediate Consideration and forthwith Issue a Writ of Superintending Control over Defendant that prohibits Defendant from any further noncompliance with Supreme Court Administrative Order 1989-1;
- B. Enter an immediate preliminary injunction that directs Defendant to permit Plaintiff to film and record Defendant's court proceedings regarding the Musico, Morrison, Bellar trial that is scheduled to commence on October 3, 2022;
- C. Enter an Order to Show Cause why Defendant should not be held in contempt of the Supreme Court for Defendant's blatant refusal to comply with Supreme Court Administrative Order 1989-1;
- D. Issue a Permanent Injunction directing Defendant to cease his practice of issuing arbitrary and capricious denials when media access requests are submitted to film or record Defendant's court proceedings;
- E. Enter an Order granting any other relief as this Honorable Court sees fit.

Respectfully submitted,

September 28, 2022

/s/ Eric L. VanDussen
Plaintiff in pro per
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(231) 651-9189
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* * *

**BRIEF IN SUPPORT OF
MOTION UNDER MCR 7.311(E) FOR IMMEDIATE CONSIDERATION OF
EMERGENCY COMPLAINT FOR WRIT OF SUPERINTENDING CONTROL
AND FOR ORDER TO SHOW CAUSE WHY THE DEFENDANT SHOULD
NOT BE HELD IN CONTEMPT OF THE SUPREME COURT**

JURISDICTION

This Court has jurisdiction to exercise superintending control over Defendant.

Plaintiff is alleging in this original action that Defendant has repeatedly violated Michigan Supreme Court Administrative Order 1989-1, which states that a “trial judge’s decision to terminate, suspend, limit, or exclude film or electronic media coverage is not appealable, by right or by leave.” AO 1989-1(2)(a)(iv)

MCR 3.302 indicates, in pertinent part, that:

(A) Scope. A superintending control order enforces the superintending control power of a court over lower courts or tribunals.

(B) Policy Concerning Use. If another adequate remedy is available to the party seeking the order, a complaint for superintending control may not be filed. See subrule (D)(2), and MCR 7.101(A)(2), and 7.306(A).

[...]

(D) Jurisdiction.

(3) The Supreme Court, the Court of Appeals, and the circuit court have jurisdiction to issue superintending control orders to lower courts or tribunals.

(4) When an appeal in the Supreme Court, the Court of Appeals, or the circuit court is available, that method of review must be used. If superintending control is sought and an appeal is available, the complaint for superintending control must be dismissed.

MCR 7.303(B) states that:

The Supreme Court may [...]

(5) exercise superintending control over a lower court or tribunal (see MCR 7.306);

(6) exercise other jurisdiction as provided by the constitution or by law.

MCR 7.306 specifically relates to “ORIGINAL PROCEEDINGS” and it indicates, in pertinent part:

(A) Superintending Control. A complaint may be filed to invoke the Supreme Court’s superintending control power:

(1) over a lower court or tribunal, including the Attorney Discipline Board, when an application for leave to appeal could not have been filed under MCR 7.305 [...]

(B) A complaint may be filed to invoke the Supreme Court’s original jurisdiction under Const 1963, art 4, § 6(19).

Const 1963 Article VI § 4 states that “the supreme court shall have general superintending control over all courts; power to issue, hear and determine prerogative and remedial writs; ...”

Plaintiff has no adequate legal remedy to challenge the administrative actions of Defendant other than a complaint seeking a writ of superintending control and there is no other feasible avenue for Plaintiff to rectify the Defendant’s repeated violations of Michigan Supreme Court Administrative Order 1989-1.

QUESTION PRESENTED

- I. Should this Court assume superintending control over Defendant and Order Defendant to perform his clear legal duty under AO 1989-1 when Defendant determines whether to grant or deny Plaintiff’s request to film and record Defendant’s courtroom proceedings?

Plaintiff says: Yes.

- II. Should this Court Enter an immediate injunction that directs Defendant to permit Plaintiff to film and record Defendant's court proceedings regarding the Musico, Morrison, Bellar trial, which is scheduled to commence on October 3, 2022?

Plaintiff says: Yes.

INTRODUCTION

In this action for superintending control Plaintiff Eric L. VanDussen requests that this Court issue Orders to compel Defendant's compliance with Michigan Supreme Court Administrative Order No. 1989-1, [as amended December 5, 2012, effective January 1, 2013]⁶

Plaintiff is in the process of compiling high-quality video and audio footage of court proceedings for a documentary he intends to produce regarding the conspiracy to kidnap Michigan Governor Gretchen Whitmer. Plaintiff recognizes that courts have important and competing duties both to ensure the parties' right to a fair trial and to preserve the public's and the media's right of access to criminal proceedings.

Plaintiff is a freelance journalist and videographer who has been researching and reporting on the conspiracy to kidnap Michigan Governor Gretchen Whitmer, since October of 2020.⁷

Pete Musico, Joseph Morrison and Paul Bellar "are three of several men arrested on domestic terrorism charges after a joint operation by state and federal authorities in early October exposed a plot that included targeting law enforcement officers, threatening violence to incite a

⁶ (See: <https://www.courts.michigan.gov/4a67b3/siteassets/rules-instructions-administrative-orders/administrative-orders/administrative-orders.pdf> / pages 80-82, last accessed on 09/28/2022)

⁷ (See: Lawmakers, police, governor warned in May about armed militia, threats – October 10, 2020: https://www.record-eagle.com/news/local_news/lawmakers-police-governor-warned-in-may-about-armed-militia-threats/article_5fb79f72-0a62-11eb-91ca-cbaf8bb468f0.html (last accessed on 09/28/2022) & Who is Wolverine Watchmen Attorney Nicholas Somberg? – February 12, 2022: <https://medium.com/@ericvandussen/who-is-wolverine-watchmen-attorney-nicholas-somberg-49dc6383a5fc> (last accessed on 09/28/2022))

civil war, planning an attack on the state Capitol building and kidnapping government officials, including Gov. Gretchen Whitmer.”⁸

On August 23, 2022, the Detroit News published an article entitled “Two ringleaders convicted on Whitmer kidnapping conspiracy charges” and they reported, in part, that

A federal jury Tuesday convicted two men accused of orchestrating a plan to kidnap Gov. Gretchen Whitmer as prosecutors salvaged the largest domestic terrorism case in a generation that has shed light on political extremism in Michigan.

The convictions came on Whitmer's birthday, four months after jurors deadlocked on charges against Potterville resident Adam Fox and Delaware truck driver Barry Croft and acquitted two others who were accused of being part of a broader group of people angered by pandemic restrictions and hoping to spark a second Civil War. Fox and Croft face up to life in federal prison. [...] ⁹

FACTS

Plaintiff is “Media” or [a] “media agency” [which is defined as] “any person or organization engaging in news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, professional journal, or other news reporting or news gathering agency.” AO 1989-1(1)(b)

On September 12, 2022, Plaintiff filed three Requests and Notices for Film and Electronic Media Coverage of Court Proceeding forms with the Jackson County Clerk regarding the upcoming trial of PETE MUSICO, JOSEPH MORRISON, and PAUL BELLAR, File Nos.

⁸ (See: <https://www.michigan.gov/ag/news/press-releases/2021/03/29/members-of-wolverine-watchmen-to-stand-trial> - last accessed on 09/28/2022)

⁹ See: <https://www.detroitnews.com/story/news/local/michigan/2022/08/23/michigan-whitmer-kidnapping-conspiracy-plot-barry-croft-adam-fox/7865780001/> - last accessed on 09/28/2022)

20-3173-FH, 20-3172-FH & 20-3171-FH.¹⁰

On September 20, 2022, Defendant entered an Order, which was served on Plaintiff by email, and it indicated, in pertinent part, that:

IT IS SO ORDERED, that the request to film or record the Court proceedings is denied, as the proceedings will be broadcasted on YouTube. [emphasis added]¹¹

On September 21, 2022, Plaintiff filed three additional Requests and Notices for Film and Electronic Media Coverage of Court Proceeding forms with the Jackson County Clerk regarding a pretrial hearing scheduled to be held in the above-described criminal cases on September 27, 2022, at 10:30 AM.¹²

Defendant's September 22, 2022, Order indicated, in pertinent part:

IT IS SO ORDERED, that the request to film or record the Court proceedings is denied, as the proceedings will be broadcasted on YouTube so in court filming or recording is not necessary. [emphasis added]¹³

As more fully explained in the Emergency Complaint for Superintending Control filed in this matter, on September 28, 2022, Defendant denied Plaintiff's Emergency Motion for Reconsideration¹⁴ pertaining to Defendant's September 20, 2022, media access denial Order.

¹⁰ (See: EXHIBITS 1a, 1b & 1c, which are attached to Plaintiff's EMERGENCY COMPLAINT FOR WRIT OF SUPERINTENDING CONTROL ...)

¹¹ (See: EXHIBIT 2, which is attached to Plaintiff's EMERGENCY COMPLAINT FOR WRIT OF SUPERINTENDING CONTROL ...)

¹² (See: EXHIBITS 4a, 4b & 4c, which are attached to Plaintiff's EMERGENCY COMPLAINT FOR WRIT OF SUPERINTENDING CONTROL ...)

¹³ (See: EXHIBIT 7, which is attached to Plaintiff's EMERGENCY COMPLAINT FOR WRIT OF SUPERINTENDING CONTROL ...)

¹⁴ (See: <https://archive.org/download/vandussen-productions-motion-for-reconsideration-of-order-denying-media-access-by-jackson-cc-09-21-22/vandussen-productions-motion-for-reconsideration-of-order-denying-media-access-by-jackson-cc-09-21-22.pdf> / last accessed on 09/28/2022)

LEGAL STANDARD

I. Michigan Supreme Court's superintending control power

Const 1963 Article VI § 4 states that “the supreme court shall have general superintending control over all courts; power to issue, hear and determine prerogative and remedial writs; ...”

Complaints for orders of superintending control are “an original civil action designed to order a lower court to perform a legal duty.” *Shepherd Montessori Ctr Milan v Ann Arbor Charter Twp*, 259 Mich App 315, 346–47; 675 NW2d 271, 289 (2003). Issuing such an order is appropriate when “a lower court exceeded its jurisdiction, acted in a manner inconsistent with its jurisdiction, or [otherwise] failed to proceed according to law.” *In re Credit Acceptance Corp*, 273 Mich App 594, 598; 733 NW2d 65, 68 (2007). The “plaintiff seeking an order of superintending control bears the burden of establishing the grounds for issuing the order.” *In re Gosnell*, 234 Mich App 326, 342; 594 NW2d 90, 98 (1999). To obtain an order of superintending control, the plaintiff must show (1) that a lower court “has failed to perform a clear legal duty” and (2) “the plaintiff is otherwise without an adequate legal remedy.” *Id.* A plaintiff is without an adequate legal remedy when it lacks the ability to appeal. *Fort v City of Detroit*, 146 Mich App 499, 503; 381 NW2d 754, 756 (1985).

The power to issue orders of superintending control is provided under MCR 3.302. An order of superintending control may not be used as a substitute for an appeal. *Pub Health Dep't v Rivergate Manor*, 452 Mich 495, 500-501; 550 NW2d 515 (1996). In addition, to obtain an order of superintending control, a party must establish that the inferior tribunal failed to perform a

clear legal duty and that there is no adequate legal remedy. *Gosnell*, 234 Mich App at 341.

A complaint for superintending control "is the proper vehicle to challenge the general practices of an inferior court." *Lockhart v Thirty-Sixth Dist Court Judge*, 204 Mich App 684, 688; 516 NW2d 76 (1994). This Court "has a general superintending control over all inferior courts and tribunals" within its jurisdiction, including the Defendant's court. "A superintending control order enforces the superintending control power of a court over lower courts or tribunals." MCL 3.302(A).

"The standard for issuing a writ of superintending control is to determine whether the lower court failed to perform a clear legal duty." *Frederick v Presque Isle Co Circuit Judge*, 439 Mich I, 15; 476 NW2d 142 (1991). Additionally, the plaintiff must establish "the absence of an adequate legal remedy." *Recorder's Court Bar Ass 'n v Wayne Circuit Court*, 443 Mich 110, 134; 503 NW2d 885 (1993).

As explained below, all requirements for the issuance of superintending control orders are satisfied in this case.

II. Michigan Supreme Court Administrative Order No. 1989-1

The Michigan Judiciary's website directs that "Administrative Orders are entered by the Michigan Supreme Court and are meant to guide trial courts on administrative matters. ..." ¹⁵

Michigan Supreme Court Administrative Order No. 1989-1, [as amended by order of December 5, 2012, effective January 1, 2013] regulates "Film or Electronic Media Coverage of Court Proceedings and it mandates, in pertinent part, that:

¹⁵ (See: <https://www.courts.michigan.gov/rules-administrative-orders-and-jury-instructions/proposed-adopted/administrative-orders/> - last accessed on 09/28/2022)

The following guidelines shall apply to film or electronic media coverage of proceedings in Michigan courts:

[...]

2. Limitations.

(a) In the trial courts.

(i) **Film or electronic media coverage shall be allowed upon request in all court proceedings.** Requests by representatives of media agencies for such coverage must be made in writing to the clerk of the particular court not less than three business days before the proceeding is scheduled to begin. A judge has the discretion to honor a request that does not comply with the requirements of this subsection. The court shall provide that the parties be notified of a request for film or electronic media coverage.

(ii) **A judge may terminate, suspend, limit, or exclude film or electronic media coverage at any time upon a finding, made and articulated on the record in the exercise of discretion, that the fair administration of justice requires such action, or that rules established under this order or additional rules imposed by the judge have been violated. The judge has sole discretion to exclude coverage of certain witnesses, including but not limited to the victims of sex crimes and their families, police informants, undercover agents, and relocated witnesses.**

(iii) Film or electronic media coverage of the jurors or the jury selection process shall not be permitted.

(iv) A trial judge's decision to terminate, suspend, limit, or exclude film or electronic media coverage is not appealable, by right or by leave.

[...]

4. Equipment and Personnel. Unless the judge orders otherwise, the following rules apply:

(a) Not more than two videotape or television cameras, operated by not more than one person each, shall be permitted in any courtroom.

[...]

(d) Media agency representatives shall make their own pooling arrangements without calling upon the court to mediate any dispute relating to those arrangements. In the absence of media agency agreement on procedures, personnel, and equipment, the judge shall not permit the use of film or electronic media coverage.

6. Location of Equipment and Personnel.

(a) Television camera equipment and attendant personnel shall be positioned in such locations in the courtroom as shall be designated by the judge. Audio and video tape recording and amplification equipment which is not a component of a camera or microphone shall be located in a designated area remote from the courtroom.

[...]

(d) Representatives of the media agencies are invited to submit suggested equipment positions to the judge for consideration.
[emphasis added]

MCR 8.116(D) relates to “Access to Court Proceedings” and it mandates that:

(1) Except as otherwise provided by statute or court rule, **a court may not limit access by the public to a court proceeding unless**

(a) a party has filed a written motion that identifies the specific interest to be protected, or the court sua sponte has identified a specific interest to be protected, and the court determines that the interest outweighs the right of access;

(b) the denial of access is narrowly tailored to accommodate the interest to be protected, and there is no less restrictive means to adequately and effectively protect the interest; and

(c) the court states on the record the specific reasons for the decision to limit access to the proceeding. [emphasis added]

In *VanDussen v. Court of Appeals*, 796 N.W.2d 255 (2011), Michigan’s Supreme Court issued an Order on April 27, 2011, indicating:

On order of the Court, [Eric VanDussen's] motion for immediate consideration is GRANTED. The complaint for superintending control is considered and, in lieu of granting relief at this time, we REMAND this case to the Court of Appeals to articulate the reason why "the fair administration of justice" warrants the denial of the plaintiff's request to film oral argument on May 10, 2011. Administrative Order 1989-1(2)(b).

We retain jurisdiction. On remand, the Court of Appeals shall issue an order on or before May 2, 2011, and shall immediately file a copy of that order with the Clerk of the Supreme Court. **(EXHIBIT 15)**

On May 2, 2011, Michigan's Court of Appeals issued a responsive Order in the *VanDussen v. Court of Appeals* case, and they held that:

On remand, we are directed to "articulate the reason why 'the fair administration of justice' warrants the denial of the plaintiffs request to film oral argument on May 10, 2011," in the case of *People v Anderson*, Court of Appeals Docket No. 300641. *VanDussen v Court of Appeals*, — Mich — (Docket No. 142950, issued April 27, 2011). We begin by noting that the remand order assumes that we denied the request pursuant to Administrative Order 1989-1(2)(b). Up to this point, however, we have not issued a written order in response to plaintiff's request. Rather, as has been the practice of the Court of Appeals, because no appeals either "by right or by leave" are permitted pursuant to Administrative Order 1989-1(2)(d), plaintiff was notified verbally by the Court's District Clerk that his application was denied. In any event, the application in this case was originally denied because we concluded that, based upon the minimal material submitted, plaintiff was neither the "media" nor a "media agency" as defined by Administrative Order 1989-1(1)(b).

However, since the issuance of the remand order we requested plaintiff to submit information relative to our concern, and he has submitted fairly voluminous material indicating that he is a free-lance journalist whose work has appeared in several general news publications and on some mainstream electronic media outlets. Based on this detailed information, we conclude that plaintiff meets the definition of "media" as he falls within the phrase "any person. . .engaging in news gathering," and so his request to record oral argument is GRANTED in accordance with the rules provided in Administrative Order 1989-1. **(EXHIBIT 16)**

Following a jury trial in Oakland County Circuit Court in 1995, Jason Graves was

convicted of first-degree premeditated murder and first-degree felony murder. The trial court judge vacated the premeditated murder conviction, and sentenced him to life imprisonment without the possibility of parole for the first-degree felony murder conviction. Graves filed an appeal of right in the Michigan Court of Appeals, (COA) presenting the following claims that are relevant in this action:

IV. Was Jason Graves denied his constitutional right to a fair and impartial trial when the media was allowed to videotape the proceedings for television broadcast when the defendants, their families, and the jurors objected to the presence of the video camera in the courtroom?

V. Did the trial court deny defendant Graves a fair and impartial trial by entering into a secret agreement with the media to allow the media to videotape trial exhibits for broadcast without notice or an opportunity to be heard for objection to such publication?

The Appellee, Oakland County Prosecutor's Office, filed a brief with the COA on April 11, 1997, which asserted, in pertinent part:

Defendant Graves has cited nothing to show that the cameras in the courtroom for a portion of the trial in this case compromised the ability of the jury to judge him fairly. His citation to the expression of concern of some of the jurors on the Graves jury and a concern by one juror that a television camera was pointed in the direction of the jury during opening statements does not even come close to showing an inability to fairly judge on the part of any or all of the jurors.

Defendant Graves states that "[the jury was so focused on the presence of the media and their concern that they would be filmed, that they paid intense attention to the media camera," (Defendant-Appellant's Brief, 29.) However, such "intense attention" is not evident from the record of this case. If Defendant Graves felt that the jury was not paying attention to the evidence because of the media presence, it was incumbent upon him to request a hearing on the matter so that a record could be made for appellate purposes.

Finally, the People would point out that, while the media's potential presence at the trial came up during the voir dire process, it was not a

subject that necessitated lengthy discussions or questioning. Moreover, as already noted, after opening statements, there were no further references by anyone to the presence of television cameras in the courtroom.

In sum, Judge Mester did not abuse his discretion in allowing television cameras to be present during the trial in this case. **(EXHIBIT 17)**

In an unpublished opinion, Michigan's Court of Appeals affirmed Graves' conviction.

People v. Graves, 1999 WL 33451697, No. 191052 (March 30, 1999). The *Graves* Court opined, in relevant part, that:

Graves contends that he was denied his right to a fair trial where the media was allowed to videotape the trial proceedings for television broadcast over the objections of defendants, their families and the jury. However, whether the media shall be allowed in the courtroom does not depend on the lack of an objection by defendants, their families or the jury. Rather, media coverage in the courtroom is controlled by AO 1989-1, which provides that film or electronic media coverage shall be allowed upon request in all court proceedings unless the trial court finds in the exercise of discretion that the fair administration of justice requires otherwise. See 432 Mich cxii. On review, a defendant must show that his right to a fair trial was prejudiced by the presence of the media. *Chandler v Florida*, 449 US 560, 581-581; 101 S Ct 802; 66 L Ed 2d 740 (1981). For instance, a defendant could establish prejudice by showing “that the presence of cameras impaired the ability of the jurors to decide the case on only the evidence before them or that the[] trial was affected adversely by the impact on any of the participants of the presence of cameras and the prospect of broadcast.” *Id.* at 581.

In this case, defendant contends that he was prejudiced because the jury was so focused on the cameras that it was unable to focus on the trial and the presentation of the evidence. However, in support of this contention, defendant notes only that on the second day of trial, a juror expressed a concern about cameras in the courtroom. The trial court responded to this concern by stating that the cameras “are not to take pictures of any jurors, they are to be focused solely on the witness stand, and they would be inconspicuous to the jury” The court also instructed the jury to be careful concerning the news programs they watched and to allow family members to peruse the newspaper first. Defendant also notes that on the third day of trial, another juror interrupted defense counsel’s opening statement to inquire whether the camera was focusing on the jury. The

court again explained that the cameras were not, and would not, be focused on the jury. Although the interruption of counsel's opening statement was somewhat unusual, the incidents relied on by defendant to establish prejudice were isolated, minor, brief and appropriately handled by the trial court. Moreover, defendant has failed to show that the cameras posed a problem once the actual evidentiary portion of the trial commenced. Accordingly **we conclude that defendant has failed to establish that the presence of cameras in the courtroom denied him a fair trial.**

Next, Graves contends that he was denied a fair trial where the court allowed members of the media to remove exhibits (photographs of each defendant) from the prosecution table, tape these exhibits to the swinging door of the jury box, and film these exhibits for television broadcast. However, the jury was not present in [the] courtroom when this occurred. Although it appears that Yorks' photograph was broadcast, there is no indication that Graves' photograph was actually broadcast. Finally, defendant does not allege that any juror violated the court's instructions and saw any such broadcast. Accordingly, we find no abuse of discretion by the trial court, *In re People v Atkins*, 444 Mich 737, 739; 514 NW2d 148 (1994), or denial of the right to a fair trial on this ground." [emphasis added] **(EXHIBIT 18)**

In Detroit Free Press v. Recorder's Court Judge, unpublished MI COA Docket No.

148956 - Feb. 11, 1992, Michigan's Court of Appeals held, in pertinent part, that:

Generally, film coverage shall be allowed in all court proceedings. Administrative Order No.1989-1, section 2(a).

A judge may exclude film media coverage upon a finding, made and articulated on the record, that the fair administration of justice requires such action. AO 1989-1, section 2(b).

The trial court has failed to articulate any valid reason for exclusion on the record, or in the pleadings filed in this Court. Prior to rendering a decision the trial court should consider sections 5(b) and 5(b) of the Administrative Order 1989-1. **(EXHIBIT 19)**

In Detroit Free Press v. Thirty Sixth Dist. Judge, unpublished MI COA Docket No.

170071 - May 14, 1996, Michigan's Court of Appeals held, in pertinent part, that:

By its terms, all Michigan courts are subject to and bound by AO 1989-1. See, e.g., *Frederick v. Presque Isle Judge*, 439 Mich. 1, 9; 476

NW2d 142 (1991). Administrative orders are binding until changed or modified by the Supreme Court. *Detroit & Northern v. Woodworth*, 54 Mich.App 517, 520; 221 NW2d 190 (1974). The circuit court properly determined defendant's general and non-particularized policy of excluding photographic coverage violated his clear legal duty under AO 1989-1. The circuit court's initial order mandated compliance with AO 1989-1's requirement that denials of or limitations on timely requests for media coverage be articulated on the record, and precluded blanket exclusions of media coverage, in keeping with the AO's spirit that media coverage be allowed. [emphasis added] (**EXHIBIT 20**)

ARGUMENT

The first question in deciding an action for superintending control is whether the lower court failed to perform a clear legal duty. *Frederick*, supra, 439 Mich at 15. Defendant obviously has a clear legal duty under the guidelines found within AO 1989-1.

Defendant's general and non-particularized policy of excluding filming and recording of court proceedings violated Defendant's clear legal duty under AO 1989-1.

The second requirement for superintending control is the absence of "another adequate remedy." MCR 3.302(B).

Plaintiff has no other remedy because a "trial judge's decision to terminate, suspend, limit, or exclude film or electronic media coverage is not appealable, by right or by leave." AO 1989-1(2)(a)(iv)

The Defendant's arbitrary and capricious denials of Plaintiff's request to film court proceedings in the Jackson County Circuit Court do not even come close to complying with AO 1989-1(2)(a)(ii) because Defendant failed to "articulate on the record" any particularized "finding" of how or why the "fair administration of justice requires such action."

Expeditious and immediate consideration of this matter by this Court is absolutely

necessary as Plaintiff is entitled to film and record Defendant's court proceedings regarding the Musico, Morrison, Bellar trial that is scheduled to begin on October 3, 2022, 2022.

CONCLUSION AND RELIEF REQUESTED

Based on the facts and law set forth above and documented in Plaintiff's Emergency Complaint, this Court should exercise superintending control over Defendant and order Defendant to comply with AO 1989-1. Plaintiff has no adequate legal remedy to challenge the administrative actions of Defendant other than a complaint seeking a writ of superintending control and there is no other available or feasible avenue for Plaintiff to rectify the Defendant's repeated violations of Michigan Supreme Court Administrative Order 1989-1.

Courts cannot simply override the binding mandates of AO 1989-1 just because they may utilize inferior recording equipment to stream some of their proceedings on YouTube or Zoom.

Numerous courts in high profile cases -- such as O.J. Simpson's trial, Casey Anthony's trial, and Derek Chauvin's trial employed less restrictive, but constitutionally permitted measures to prevent any potentially negative impact on the fair administration of justice during trials.

When media timely submits requests to film proceedings in Michigan courtrooms, AO 1989-1(2)(a)(i) dictates that "[f]ilm or electronic media coverage shall be allowed upon request in all court proceedings."

AO 1989-1(2)(a)(ii) provided that a "judge may terminate, suspend, limit, or exclude film or electronic media coverage at any time upon a finding, made and articulated on the record in the exercise of discretion, that the fair administration of justice requires such action ..."

"Not more than two videotape or television cameras, operated by not more than one

person each, shall be permitted in any courtroom.” AO 1989-1(4)(a).

“Television camera equipment and attendant personnel shall be positioned in such locations in the courtroom as shall be designated by the judge. [...] Representatives of the media agencies are invited to submit suggested equipment positions to the judge for consideration.” AO 1989-1(6)(a)&(d). Defendant’s denial of Plaintiff’s requests to film and record a pretrial hearing and the trial in this matter was not narrowly tailored to accommodate any interests to be protected, and there are much less restrictive means available to this Court to adequately and effectively protect those interests.

WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:

- A. Grant Plaintiff’s request for Immediate Consideration and forthwith Issue a Writ of Superintending Control over Defendant that prohibits Defendant from any further noncompliance with Supreme Court Administrative Order 1989-1;
- C. Enter an immediate preliminary injunction that directs Defendant to permit Plaintiff to film and record Defendant’s court proceedings regarding the Musico, Morrison, Bellar trial that is scheduled to commence on October 3, 2022;
- C. Enter an Order to Show Cause why Defendant should not be held in contempt of the Supreme Court for Defendant’s blatant refusal to comply with Supreme Court Administrative Order 1989-1;
- D. Issue a Permanent Injunction directing Defendant to cease his practice of issuing arbitrary and capricious denials when media access requests are submitted to film or record Defendant’s court proceedings;
- E. Enter an Order granting any other relief as this Honorable Court sees fit.

Respectfully submitted,

September 28, 2022

/s/ Eric L. VanDussen

Plaintiff in pro per
P.O. Box 30
Benzonia, MI 49616
(231) 651-9189
ericlvandussen@gmail.com

* * *

CERTIFICATE OF SERVICE

I hereby certify that the foregoing MOTION UNDER MCR 7.311(E) FOR IMMEDIATE CONSIDERATION OF EMERGENCY COMPLAINT FOR WRIT OF SUPERINTENDING CONTROL AND FOR ORDER TO SHOW CAUSE WHY THE DEFENDANT SHOULD NOT BE HELD IN CONTEMPT OF THE SUPREME COURT & BRIEF IN SUPPORT was served by email on September 28, 2022, upon:

Hon. Thomas D. Wilson
Jackson County 4th Circuit Court
twilson@mijackson.org &
ewatkins@mijackson.org

September 28, 2022

/s/ Eric L. VanDussen_____

EXHIBIT 1

Original - Court
1st copy - Defendant
2nd copy - Plaintiff
3rd copy - Media

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT 4TH JUDICIAL CIRCUIT Jackson County COUNTY PROBATE	REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS	CASE NO. 20003173 FH <i>66</i>
--	---	--

Court address

312 S Jackson Street, Jackson, MI 49201

Court telephone no.

517-768-8541

Plaintiff(s)/Petitioner(s)

☒ People of the State of Michigan

☐

Attorney name, bar no., address, and telephone no. or plaintiff /petitioner address and telephone no. If not represented by an attorney

ATTY GEN. SUNITA DODDAMANI P67459

525 W. Ottawa Street (517) 335-7650
P.O. Box 30217 doddamanis@michigan.gov
Lansing, MI 48909

Defendant(s)/Respondent(s)

PETE MUSICO

Attorney name, bar no., address, and telephone no. or defendant/ respondent address and telephone no. If not represented by an attorney

Kareem Johnson P71988

505 South Jackson Street (517) 768-6883
Jackson, MI 49203 Kjohnson@mijackson.org

v

☐ Civil ☒ Criminal ☐ Probate In the estate/matter of _____

REQUEST

I request permission to ☒ record ☒ broadcast courtroom proceedings in this case using ☒ video ☒ audio

☒ photographic media, scheduled at 9:00 a.m. on Oct. 3, 2022 - Oct. 31, 2022 / end of trial

Time

Date

September 7, 2022

Date

Signature

Eric L. VanDussen www.muckrack.com/eric-vandussen

Name (type or print)

VanDussen Productions 231-651-9189

Firm name

Telephone no.

NOTICE TO PARTIES/ATTORNEYS

A request to allow film or electronic media coverage of the above proceeding has been filed. Supreme Court Administrative Order 1989-1 requires that the request be honored unless the trial judge exercises discretion to terminate, suspend, limit, or exclude the coverage.

I certify that on this date, I provided notice of this request to the parties or their attorneys indicated above

☐ personally. ☐ by ordinary mail. ☒ by telephone.

Date

Court clerk/Register

Sup Ct AO 1989-1

MC 27 (2/89) REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS



2020003173FH

1(a)

Original - Court
1st copy - Defendant
2nd copy - Plaintiff
3rd copy - Media

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT 4TH JUDICIAL CIRCUIT Jackson County COUNTY PROBATE	REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS	CASE NO. 20003172 FH <i>66</i>
--	---	--

Court address

312 S Jackson Street, Jackson, MI 49201

Court telephone no.

517-768-8541

Plaintiff(s)/Petitioner(s)

☒ People of the State of Michigan

☐

Attorney name, bar no., address, and telephone no. or plaintiff/petitioner address and telephone no. if not represented by an attorney

ATTY GEN. SUNITA DODDAMANI P67459

525 W. Ottawa Street (517) 335-7650
 P.O. Box 30217 doddamanis@michigan.gov
 Lansing, MI 48909

Defendant(s)/Respondent(s)

JOSEPH MATTHEW MORRISON

Attorney name, bar no., address, and telephone no. or defendant/respondent address and telephone no. if not represented by an attorney

Nicholas Somberg P80416

31700 Telegraph Road, Ste 210 (248) 270-5979
 Bingham Farms, MI 480205 Nick@Somberglaw.com

☐ Civil ☒ Criminal ☐ Probate In the estate/matter of _____

REQUEST

I request permission to ☒ record ☒ broadcast courtroom proceedings in this case using ☒ video ☒ audio

☒ photographic media, scheduled at 9:00 a.m. on Oct. 3, 2022 - Oct. 31, 2022 / end of trial

Time

Date

September 7, 2022

Date

Signature

Eric L. VanDussen www.muckrack.com/eric-vandussen

Name (type or print)

VanDussen Productions 231-651-9189

Firm name

Telephone no.

NOTICE TO PARTIES/ATTORNEYS

A request to allow film or electronic media coverage of the above proceeding has been filed. Supreme Court Administrative Order 1989-1 requires that the request be honored unless the trial judge exercises discretion to terminate, suspend, limit, or exclude the coverage.

I certify that on this date, I provided notice of this request to the parties or their attorneys indicated above

☐ personally. ☐ by ordinary mail. ☒ by telephone.

Date

Court clerk/Register

Sup Ct AO 1989-1

MC 27 (2/89) REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS



202003172FH

1(b)

Original - Court
1st copy - Defendant
2nd copy - Plaintiff
3rd copy - Media

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT 4TH JUDICIAL CIRCUIT Jackson County COUNTY PROBATE	REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS	CASE NO. 20003171 FH <i>bc</i>
--	---	--

Court address

312 S Jackson Street, Jackson, MI 49201

Court telephone no.

517-768-8541

Plaintiff(s)/Petitioner(s)

☒ People of the State of Michigan

☐

Attorney name, bar no., address, and telephone no. or plaintiff /petitioner address and telephone no. if not represented by an attorney

ATTY GEN. SUNITA DODDAMANI P67459

525 W. Ottawa Street (517) 335-7650
 P.O. Box 30217 doddamanis@michigan.gov
 Lansing, MI 48909

Defendant(s)/Respondent(s)

PAUL EDWARD BELLAR

Attorney name, bar no., address, and telephone no. or defendant/ respondent address and telephone no. if not represented by an attorney

Andrew P. Kirkpatrick P66842

503 South Jackson Street (517) 783-3500
 Jackson, MI 49203 ap_kirkpatrick@yahoo.com

v

☐ Civil ☒ Criminal ☐ Probate In the estate/matter of _____

REQUEST

I request permission to ☒ record ☒ broadcast courtroom proceedings in this case using ☒ video ☒ audio

☒ photographic media, scheduled at 9:00 a.m. on Oct. 3, 2022 - Oct. 31, 2022 / end of trial
 Time Date

September 7, 2022

Date

Signature

Eric L. VanDussen www.muckrack.com/eric-vandussen

Name (type or print)

VanDussen Productions 231-651-9189

Firm name

Telephone no.

NOTICE TO PARTIES/ATTORNEYS

A request to allow film or electronic media coverage of the above proceeding has been filed. Supreme Court Administrative Order 1989-1 requires that the request be honored unless the trial judge exercises discretion to terminate, suspend, limit, or exclude the coverage.

I certify that on this date, I provided notice of this request to the parties or their attorneys indicated above
☐ personally. ☐ by ordinary mail. ☒ by telephone.

Date

Court clerk/Register

1(c)

Sup Ct AO 1989-1

MC 27 (2/89) REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS



2020003171FH

EXHIBIT 2

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF JACKSON

STATE OF MICHIGAN,

Plaintiff,

V

MUSICO, MORRISON, & BELLAR,

Defendant.

File No. 20-3173-FH, 20-
3172-FH, & 20-3171-FH

Hon. Thomas D. Wilson

FILED

SEP 20 2022

JACKSON COUNTY CLERK
4TH CIRCUIT COURT

ORDER DENYING ERIC VANDUSSEN'S MEDIA REQUEST

WHEREAS, the Court received a Request and Notice for Film and Electronic Media Coverage of Court Proceedings, for each file herein.

IT IS SO ORDERED, the request to film or record the Court proceedings is denied, as the proceedings will be broadcasted on YouTube.

Dated: September 20, 2022



Hon. Thomas D. Wilson (P42371)

Circuit Court Judge

EXHIBIT 3



Eric VanDussen <ericvandussen@gmail.com>

EMERGENCY MOTION FOR RECONSIDERATION OF THIS COURT'S SEPTEMBER 20, 2022, ORDER DENYING VANDUSSEN PRODUCTIONS REQUEST FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS, BRIEF IN SUPPORT & PROOF OF SERVICE - Re: Musico, Morrison & Bellar - Case Nos. 20-3173-FH, 20-3172-FH, & 20-3171-FH

Eric VanDussen <ericvandussen@gmail.com>

Wed, Sep 21, 2022 at 4:28 PM

To: AKirkpatrick@mijackson.org, Elizabeth Watkins <EWatkins@mijackson.org>

Cc: Doddamanis@michigan.gov, Nick@somberglaw.com, Kjohnson@mijackson.org, ap_kirkpatrick@yahoo.com

Hello.

Attached for filing in the three captioned cases is my EMERGENCY MOTION FOR RECONSIDERATION OF THIS COURT'S SEPTEMBER 20, 2022, ORDER DENYING VANDUSSEN PRODUCTIONS REQUEST FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS, BRIEF IN SUPPORT & PROOF OF SERVICE.

It is my understanding that the Jackson Circuit Court may not be accepting filings by email any longer so I have mailed out today a hardcopy of same for each file, along with a Judge's Copy.

I would appreciate it if we could schedule my motion to be heard on September 27, 2022, at 10:30 AM, or any other time that's available before that day.

Thanks,

Eric L. VanDussen**Videographer & Freelance Journalist****(231) 651-9189**<https://muckrack.com/eric-vandussen><http://vimeo.com/user1676477/videos>**People v Musico, Morrison, Bellar - Motion for Reconsideration of Order Denying VanDussen Media Access****Requeust - 09-21-22 - ocr 2.pdf**

4017K

EXHIBIT 4

Original - Court
1st copy - Defendant
2nd copy - Plaintiff
3rd copy - Media

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT 4TH JUDICIAL CIRCUIT Jackson County COUNTY PROBATE	REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS	CASE NO. 20003173 FH
Court address 312 S Jackson Street, Jackson, MI 49201		Court telephone no. 517-768-8541
Plaintiff(s)/Petitioner(s) <input checked="" type="checkbox"/> People of the State of Michigan Attorney name, bar no., address, and telephone no. or plaintiff /petitioner address and telephone no. if not represented by an attorney ATTY GEN. SUNITA DODDAMANI P67459 525 W. Ottawa Street (517) 335-7650 P.O. Box 50217 doddamanis@michigan.gov Lansing, MI 48909	v	Defendant(s)/Respondent(s) PETE MUSICO Attorney name, bar no., address, and telephone no. or defendant/ respondent address and telephone no. if not represented by an attorney Karccm Johnson P71988 505 South Jackson Street (517) 768-6883 Jackson, MI 49203 Kjohnson@mijackson.org

☐ Civil ☒ Criminal ☐ Probate In the estate/matter of _____

REQUEST

I request permission to ☒ record ☒ broadcast courtroom proceedings in this case using ☒ video ☒ audio
☒ photographic media, scheduled at 10:30 a m. on September 27, 2022
 Time Date

September 20, 2022

Date

Signature

Eric L. VanDussen www.muckrack.com/eric-vandussen

Name (type or print)

VanDussen Productions 231-651-9189

Firm name

Telephone no.

NOTICE TO PARTIES/ATTORNEYS

A request to allow film or electronic media coverage of the above proceeding has been filed. Supreme Court Administrative Order 1989-1 requires that the request be honored unless the trial judge exercises discretion to terminate, suspend, limit, or exclude the coverage.

I certify that on this date, I provided notice of this request to the parties or their attorneys indicated above
☐ personally. ☐ by ordinary mail. ☐ by telephone.

Date

Court clerk/Register

4(a)

Original - Court
1st copy - Defendant
2nd copy - Plaintiff
3rd copy - Media

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT 4TH JUDICIAL CIRCUIT Jackson County COUNTY PROBATE	REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS	CASE NO. 20003172 FH
Court address 312 S Jackson Street, Jackson, MI 49201		Court telephone no. 517-768-8541
Plaintiff(s)/Petitioner(s) <input checked="" type="checkbox"/> People of the State of Michigan <hr/> Attorney name, bar no., address, and telephone no. or plaintiff /petitioner address and telephone no. if not represented by an attorney ATTY GEN. SUNITA DODDAMANI P67459 525 W. Ottawa Street (517) 335-7650 P.O. Box 30217 doddamanis@michigan.gov Lansing, MI 48909	v	Defendant(s)/Respondent(s) JOSEPH MATTHEW MORRISON <hr/> Attorney name, bar no., address, and telephone no. or defendant/ respondent address and telephone no. if not represented by an attorney Nicholas Somberg P80416 31700 Telegraph Road, Ste 210 (248) 270-5979 Bingham Farms, MI 480205 Nick@Somberglaw.com

☐ Civil ☒ Criminal ☐ Probate In the estate/matter of _____

REQUEST

I request permission to ☒ record ☒ broadcast courtroom proceedings in this case using ☒ video ☒ audio

☒ photographic media, scheduled at 10:30 a.m. on September 27, 2022
 Time Date

September 20, 2022

Date

Signature

Eric L. VanDussen www.muckrack.com/eric-vandussen

Name (type or print)

VanDussen Productions 231-651-9189

Firm name

Telephone no.

NOTICE TO PARTIES/ATTORNEYS

A request to allow film or electronic media coverage of the above proceeding has been filed. Supreme Court Administrative Order 1989-1 requires that the request be honored unless the trial judge exercises discretion to terminate, suspend, limit, or exclude the coverage.

I certify that on this date, I provided notice of this request to the parties or their attorneys indicated above

☐ personally. ☐ by ordinary mail. ☐ by telephone.

Date

Court clerk/Register

4(b)

Sup Ct AO 1989-1

Original - Court
1st copy - Defendant
2nd copy - Plaintiff
3rd copy - Media

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT 4TH JUDICIAL CIRCUIT Jackson County COUNTY PROBATE	REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS	CASE NO. 20003171 FH
--	---	--------------------------------

Court address

312 S Jackson Street, Jackson, MI 49201

Court telephone no.

517-768-8541

Plaintiff(s)/Petitioner(s) <input checked="" type="checkbox"/> People of the State of Michigan <input type="checkbox"/> _____	
Attorney name, bar no., address, and telephone no. or plaintiff /petitioner address and telephone no. if not represented by an attorney ATTY GEN. SUNITA DODDAMANI P67459 525 W. Ottawa Street (517) 335-7650 P.O. Box 30217 doddamanis@michigan.gov Lansing, MI 48909	

v

Defendant(s)/Respondent(s) PAUL EDWARD BELLAR	
Attorney name, bar no., address, and telephone no. or defendant/ respondent address and telephone no. if not represented by an attorney Andrew P. Kirkpatrick P66842 503 South Jackson Street (517) 783-3500 Jackson, MI 49203 ap_kirkpatrick@yahoo.com	

☐ Civil ☒ Criminal ☐ Probate In the estate/matter of _____

REQUEST

I request permission to ☒ record ☒ broadcast courtroom proceedings in this case using ☒ video ☒ audio

☒ photographic media, scheduled at 10:30 a.m. on September 27, 2022
 Time Date

September 20, 2022

Date

Signature

Eric L. VanDussen www.muckrack.com/eric-vandussen

Name (type or print)

VanDussen Productions 231-651-9189

Firm name

Telephone no.

FILED
 2022 SEP 21 PM 12:00
 JACSON COUNTY
 1TH CIRCUIT COURT

NOTICE TO PARTIES/ATTORNEYS

A request to allow film or electronic media coverage of the above proceeding has been filed. Supreme Court Administrative Order 1989-1 requires that the request be honored unless the trial judge exercises discretion to terminate, suspend, limit, or exclude the coverage.

I certify that on this date, I provided notice of this request to the parties or their attorneys indicated above

☐ personally. ☐ by ordinary mail. ☐ by telephone.

Date

Court clerk/Register

Sup Ct AO 1989-1

EXHIBIT 5



Eric VanDussen <ericvandussen@gmail.com>

Order Confirmation E-mail - Order ID: 4274118

ServiceCenter@oakgov.com <ServiceCenter@oakgov.com>
To: ericvandussen@gmail.com

Thu, Sep 22, 2022 at 2:02 PM

Order/Payment Confirmation
Jackson County
120 W Michigan
Jackson MI 49201

Payment Information:

Credit Type:
Last 4 Digits: 0060
ERIC VANDUSSEN

48341
USA
ericvandussen@gmail.com
Phone:

Shipping Information:

Phone:

Thank you for your order/payment. Your order number is: 4274118, received on 09/22/2022.

You have ordered/made payment for the following:

Product/Item	Unit Price	Qty	Total
1) Clerk - 4th Circuit Court - Civil 2020003173FH 2020003172FH 2020003171FH		1	\$60.00
		Total	\$60.00
		Grand Total	\$60.00

Your credit card/bank statement will reflect two transactions with the following information:

Jackson County \$60.00
g2gcharge.com
[Contact G2G Cloud Solutions](#)

If you have any questions, please call the Jackson County Online Services Consumer Helpline at 517-768-6614

Please print this e-mail for your records.

EXHIBIT 6



Eric VanDussen <ericvandussen@gmail.com>

SECOND MEDIA REQUEST

Elizabeth Watkins <EWatkins@mijackson.org>
To: Eric VanDussen <ericvandussen@gmail.com>

Thu, Sep 22, 2022 at 2:35 PM

Good Afternoon Mr. VanDussen,

Your media requests were forwarded to me by the clerk's office this morning. Judge has reviewed them and has denied the requests. An Order is attached.

Thank you,

Elizabeth Watkins

Court Clerk for the Honorable Thomas D. Wilson

Jackson County 4th Circuit Court

(517) 768-8511

PLEASE NOTE : JUDGE WILSON REQUIRES IN PERSON FOR ALL HEARINGS.



image2022-09-22-142258.pdf
866K

EXHIBIT 7

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF JACKSON

STATE OF MICHIGAN,

Plaintiff,

V

MUSICO, MORRISON, & BELLAR,

Defendant.

File No. 20-3173-FH, 20-
3172-FH, & 20-3171-FH

Hon. Thomas D. Wilson

ORDER DENYING ERIC VANDUSSEN'S MEDIA REQUEST

WHEREAS, the Court received a Request and Notice for Film and Electronic Media Coverage of Court Proceedings for each filed herein.

IT IS SO ORDERED, the request to film or record the Court proceedings is denied, as the proceedings will be broadcasted on YouTube so in court filming or recording is not necessary.

Dated: September 22, 2022



Hon. Thomas D. Wilson
Circuit Court Judge

FILED
SEP 22 2022
JACKSON COUNTY CLERK
4TH CIRCUIT COURT

EXHIBIT 8



Eric VanDussen <ericvandussen@gmail.com>

SECOND MEDIA REQUEST

Eric VanDussen <ericvandussen@gmail.com>
To: Elizabeth Watkins <EWatkins@mijackson.org>

Thu, Sep 22, 2022 at 3:31 PM

Elizabeth,

Did Judge Wilson receive the Judge's Copy of my Emergency Motion for Reconsideration regarding the first denial Order he issued on September 20? I talked with the county clerk's office a few hours ago and they confirmed that it was received.

Who do I talk to about setting that motion for hearing on an emergency basis?

Eric L. VanDussen
Videographer & Freelance Journalist
(231) 651-9189
<https://muckrack.com/eric-vandussen>
<http://vimeo.com/user1676477/videos>

On Thu, Sep 22, 2022 at 2:35 PM Elizabeth Watkins <EWatkins@mijackson.org> wrote:

Good Afternoon Mr. VanDussen,

Your media requests were forwarded to me by the clerk's office this morning. Judge has reviewed them and has denied the requests. An Order is attached.

Thank you,

Elizabeth Watkins

Court Clerk for the Honorable Thomas D. Wilson

Jackson County 4th Circuit Court

(517) 768-8511

PLEASE NOTE : JUDGE WILSON REQUIRES IN PERSON FOR ALL HEARINGS.

EXHIBIT 9



Eric VanDussen <ericvandussen@gmail.com>

RE: EMERGENCY MOTION FOR RECONSIDERATION OF THIS COURT'S SEPTEMBER 20, 2022, ORDER DENYING VANDUSSEN PRODUCTIONS REQUEST FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS, BRIEF IN SUPPORT & PROOF OF SERVICE - Re: Musico, Morrison & Bellar - Cas

Elizabeth Watkins <EWatkins@mijackson.org>

Fri, Sep 23, 2022 at 8:03 AM

To: Eric VanDussen <ericvandussen@gmail.com>, Amanda Kirkpatrick <AKirkpatrick@mijackson.org>

Cc: "Doddamanis@michigan.gov" <Doddamanis@michigan.gov>, Kareem Johnson <KJohnson@mijackson.org>, ap_kirkpatrick <ap_kirkpatrick@yahoo.com>, Leonard Ballard <LBallard@mijackson.org>

Good Morning All –

Our office is in receipt of the hard copies of Mr. VanDussen's motion. After speaking with Judge, the motion will be placed on the docket for Tuesday, September 27, 2022 at 10:30am.

Thank you,

Elizabeth Watkins

Court Clerk for the Honorable Thomas D. Wilson

Jackson County 4th Circuit Court

(517) 768-8511

PLEASE NOTE : JUDGE WILSON REQUIRES IN PERSON FOR ALL HEARINGS.**From:** Eric VanDussen <ericvandussen@gmail.com>**Sent:** Wednesday, September 21, 2022 4:28 PM**To:** Amanda Kirkpatrick <AKirkpatrick@mijackson.org>; Elizabeth Watkins <EWatkins@mijackson.org>**Cc:** Doddamanis@michigan.gov; Nick@somberglaw.com; Kareem Johnson <KJohnson@mijackson.org>; ap_kirkpatrick <ap_kirkpatrick@yahoo.com>**Subject:** EMERGENCY MOTION FOR RECONSIDERATION OF THIS COURT'S SEPTEMBER 20, 2022, ORDER DENYING VANDUSSEN PRODUCTIONS REQUEST FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS, BRIEF IN SUPPORT & PROOF OF SERVICE - Re: Musico, Morrison & Bellar - Case...

Hello.

9/23/22, 11:40 AM

Gmail - RE: EMERGENCY MOTION FOR RECONSIDERATION OF THIS COURT'S SEPTEMBER 20, 2022, ORDER DENYIN...

Attached for filing in the three captioned cases is my EMERGENCY MOTION FOR RECONSIDERATION OF THIS COURT'S SEPTEMBER 20, 2022, ORDER DENYING VANDUSSEN PRODUCTIONS REQUEST FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS, BRIEF IN SUPPORT & PROOF OF SERVICE.

It is my understanding that the Jackson Circuit Court may not be accepting filings by email any longer so I have mailed out today a hardcopy of same for each file, along with a Judge's Copy.

I would appreciate it if we could schedule my motion to be heard on September 27, 2022, at 10:30 AM, or any other time that's available before that day.

Thanks,

Eric L. VanDussen
Videographer & Freelance Journalist
(231) 651-9189

<https://muckrack.com/eric-vandussen>
<http://vimeo.com/user1676477/videos>

RECEIVED by MSC 9/28/2022 3:45:25 PM

EXHIBIT 10

OPEN
20-003173-FH JUDGE WILSON
JACKSON

CASE REGISTER OF ACTIONS
FILE 04/07/21

09/26/22 PAGE 1

D 001 MUSICO, PETE,
8008 DUNN RD
MUNITH, MI 49259
ATY: JOHNSON, KAREEM LAMOUNT,
P-71988 517-768-6883 APPOINTED
LOWER DISTRICT: 1200 CTY# 38 CASE# 2003173FY PRELIM: HELD 04/06/21
INCARCERATION DATE: 11/01/19 DISTRICT ARRAIGNMENT: 10/08/20

DOB: XXXXXXXX SEX: M RACE: U
CTN: 962090096601 TCN:
SID: PIN: 1000031420
PROSECUTOR: DODDAMANI, SUNITA G.,
P-67459

B 001 BOND OUT BAIL BOND,,
ATY: BOND, BOND OUT,
P-95500 313-266-3688

Bond History

Num	Amount	Type	Posted Date	Status
1	\$100,000.00	Surety	4/07/21	Posted

Charges

Num	Type	Charge (Pacc)	Asc/Trf	Charge Description	Offense Dt	Dsp	Evt
01	ORG	750.411U		GANG MEMBERSHIP FELONIES	11/01/19		
02	ORG	750.543K1B		TERRORIST ACTS-PROVIDE MA	11/01/19		
03	ORG	750.227B-A		FELONY FIREARMS	11/01/19		

Actions, Judgments, Case Notes

Num	Date	Judge	Chg/Pty	Event Description/Comments	
1	04/07/21	WILSON		RETURN TO CIRCUIT COURT 100,000 SUR BOND POSTED CO DFTS JOSEPH MORRISON 20-3172-FH & PAUL BELLAR 20-3171-FH BOUND OVER	CLK LSA CLK CLK CLK CLK
2			B 001	BOND POSTED (01)	CLK LSA
4				INFORMATION	CLK EWA
6				COURT ORI MODIFIED - 12D TO 4TH CC SYSID NO P30911128	CLK CVD CLK
3	04/08/21			TRANSCRIPT OF PROBABLE CAUSE HEARING VOL 1,2,3, ON 3/3/2021, 3/4/2021	CLK LMC CLK CLK
5	04/21/21			NOTICE SENT FOR: 05/25/21 9:00 AM PRE-TRIAL HEARING W/PROOF OF SERVICE	CLK NEM CLK
7	05/07/21			TRANSCRIPT OF PROBABLE CAUSE HEARING 3/29/21	CLK LSA CLK
8	05/18/21		D 001	MOTION FILED SET NEXT DATE FOR: 06/01/21 9:00 AM MOTION HEARING	CLK CKR CLK CLK
9	05/19/21			RE: TO DISMISS BASED UPON ENTRAPMENT BRIEF IN SUPPORT PROSECUTOR CORRECTED TO DODDAMANI PER PHONE CALL FROM	CLK CLK CLK CLK NEM CLK

10	05/25/21		THE ATTORNEY GENERALS OFFICE	CLK	
			PRE-TRIAL HEARING	CRT	EWA
			ATTY DODDAMANI, ATTY ROLLSTIN,	CRT	
			AND ATTY PALLAS FOR AG VIA	CRT	
			ZOOM; ATTY BALLARD FOR DFT	CRT	
			VIA ZOOM; DFT VIA ZOOM; ALL	CRT	
			PARTIES TO FILE MOTIONS BY	CRT	
			06/25/21; ALL MOTION RESPONSES	CRT	
			TO BE FILED BY 07/16/2021;	CRT	
			COURT SETS NEW PRETRIAL DATE;	CRT	
			ALL MOTIONS WILL BE HEARD ON	CRT	
			THE SAME DATE	CRT	
13			REQ/NOTICE FOR FILM/ELECTRONIC MEDI	CLK	EWA
			A COVERAGE OF CT. PROCEEDINGS	CLK	
11	05/26/21		NOTICE SENT FOR: 07/23/21 10:00 AM	CLK	EWA
			PRE-TRIAL HEARING		
			W/PROOF OF SERVICE	CLK	
12		D 001	FROM: JOHNSON, KAREEM LAMOUNT,	CLK	EWA
			TO: BALLARD, LEONARD,	CLK	
14	05/28/21		REMOVE NEXT EVENT: 06/01/21 9:00 AM	CLK	EWA
			MOTION HEARING		
			ATTY TO RENOTICE TO 7/23	CLK	
15	06/01/21		NOTICE OF HEARING	CLK	CKR
			SET NEXT DATE FOR: 07/23/21 9:00 AM	CLK	
			MOTION HEARING		
			RE: TO DISMISS FOR ENTRAPMENT	CLK	
16	06/28/21		THE PEOPLE'S GOECKE MOTION	CLK	LMC
			TO AMEND THE INFORMATION	CLK	
			BRIEF, AND PROOF OF SERVICE	CLK	
17	06/29/21		MOTION FILED	CLK	LSA
			SET NEXT DATE FOR: 07/16/21 9:00 AM	CLK	
			MOTION HEARING		
			TO QUASH	CLK	
			PROOF OF SERVICE	CLK	
18	07/08/21	D 001	RESPONSE TO PEOPLE'S GOECKE	CLK	CKR
			TO AMEND THE INFORMATION	CLK	
19	07/15/21		REMOVE NEXT EVENT: 07/16/21 9:00 AM	CLK	EWA
			MOTION HEARING		
			ATTY TO RE-NOTICE	CLK	
20	07/22/21		REMOVE NEXT EVENT: 07/23/21 9:00 AM	CLK	EWA
			MOTION HEARING		
			MOTION DATE TO BE RESCHEDULED	CLK	
			BY THE COURT	CLK	
21	07/23/21		PRE-TRIAL HEARING	CRT	EWA
			ATTY DODDAMANI FOR AG VIA	CRT	
			ZOOM; ATTY PALLAS FOR AG VIA	CRT	
			ZOOM; ATTY JOHNSON FOR DFT	CRT	
			PRESENT; DFT PRESENT; ATTY	CRT	
			JOHNSON ADDRESSES REMOVAL OF	CRT	
			GPS TETHER TO HELP GET DFT	CRT	
			MORRISON OUT OF JAIL; COURT	CRT	
			DENIES REQUEST; DFT REMAINS ON	CRT	
			TEHTER; COURT SETS MOTION	CRT	
			HEARING DATES; ALL ANSWERS TO	CRT	
			MOTIONS TO BE FILED BY THE	CRT	
			END OF SEPTEMBER; BOND	CRT	
			CONTINUED	CRT	

22	NOTICE SENT FOR: 11/17/21 9:00 AM	CLK EWA
	MOTION HEARING	
	RE:PEOPLE'S GOECKE MOTION TO	CLK
	AMEND THE INFORMATION AND	CLK
	DFT'S MOTION TO QUASH	CLK
	W/PROOF OF SERVICE	CLK
23	NOTICE SENT FOR: 12/06/21 9:00 AM	CLK EWA
	MOTION HEARING	
	DFT'S RE:TO DISMISS BASED UPON	CLK
	ENTRAPMENT	CLK
	W/PROOF OF SERVICE	CLK
24 09/23/21	THE PEOPLE'S ANSWER TO	CLK LKW
	DEFENDANTS BELLAR'S,MORRISON'S	CLK
	AND MUSICO'S MOTIONS TO	CLK
	DISMISS BASED ON ENTRAPMENT	CLK
25 11/16/21	REMOVE NEXT EVENT: 11/17/21 9:00 AM	CLK EWA
	MOTION HEARING	
	PER REQUEST OF COURT	CLK
26 11/17/21	REMOVE NEXT EVENT: 12/06/21 9:00 AM	CLK EWA
	MOTION HEARING	
27	NOTICE SENT FOR: 12/06/21 9:00 AM	CLK EWA
	MOTION HEARING	
	RE:PEOPLES GOECKE MOTION TO	CLK
	AMEND THE INFORMATION, DFTS	CLK
	MOTION TO QUASH AND DFTS	CLK
	MOTION TO DISMISS-ENTRAPMENT	CLK
	W/PROOF OF SERVICE	CLK
28 11/22/21	REMOVE NEXT EVENT: 12/06/21 9:00 AM	CLK EWA
	MOTION HEARING	
	DUE TO JUDGE AVAILABILITY	CLK
29	NOTICE SENT FOR: 12/20/21 9:00 AM	CLK EWA
	MOTION HEARING	
	RE:PEOPLES GOECKE MOTION TO	CLK
	AMEND THE INFORMATION; DFTS	CLK
	MOTION TO QUASH AND DFTS	CLK
	MOTION TO DISMISS - ENTRAPMENT	CLK
	W/PROOF OF SERVICE	CLK
30 11/30/21	MICHIGAN DEPT OF ATTORNEY	CLK LMC
	GENERAL WITNESS LIST	CLK
31 12/20/21	REQ/NOTICE FOR FILM/ELECTRONIC MEDI	CLK EWA
	A COVERAGE OF CT. PROCEEDINGS	CLK
	DETROIT FREE PRESS - APPROVED	CLK
32	MOTION HEARING	CRT EWA
	ATTY DODDAMANI FOR AG PRESENT;	CRT
	ATTY ROLLSTIN FOR AG PRESENT;	CRT
	ATTY PALLAS FOR AG PRESENT;	CRT
	ATTY JOHNSON AND ATTY BALLARD	CRT
	FOR DFT PRESENT; DFT PRESENT;	CRT
	ARGUMENTS HEARD; DFT'S MOTION	CRT
	TO QUASH BINDOVER IS DENIED;	CRT
	PEOPLE'S GOECKE MOTION TO	CRT
	AMEND THE INFORMATION IS	CRT
	DENIED; COURT RESETS DFT'S	CRT
	ENTRAPMENT MOTION	CRT
33	NOTICE SENT FOR: 02/23/22 9:00 AM	CLK EWA
	MOTION HEARING	
	DFT'S RE: TO DISMISS BASED	CLK

Case No.	Date	Action	Time	Page
34	02/01/22	UPON ENTRAPMENT W/PROOF OF SERVICE ORDER DENYING THE PEOPLE'S GOECKE MTN TO AMEND THE INFORMATION AND DEFENDANT'S MOTIONS TO QUASH THE INFORMATION EMAILED TO COUNSELS	CLK CLK CLK CLK CLK CLK CLK	NEM
35	02/16/22	PEOPLE'S MEMORANDUM OF LAW AS TO THE INADMISSIBILITY OF QUESTIONING OF SPECIAL AGENT IMPOLA AS TO UNADJUDICATED ALLEGATIONS OF PERJURY IN AN UNRELATED CASE PROOF OF SERVICE	CLK CLK CLK CLK CLK CLK CLK	CKR
36	02/18/22	REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS W/NOTICE TO PARTIES/ATTORNEYS	CLK CLK CLK CLK	ALR
37	02/22/22	REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS W/NOTICE	CLK CLK CLK	GCO
38	02/23/22	MOTION HEARING ATTY DODDAMANI FOR AG PRESENT; ATTY ROLLSTIN FOR AG PRESENT; ATTY PALLAS FOR AG PRESENT; ATTY JOHNSON FOR DFT PRESENT; DFT PRESENT; SWORN TESTIMONY HEARD; EXHIBITS ENTERED; MOTION HEARING TO BE CONTINUED ON 02/28/2022	CRT CRT CRT CRT CRT CRT CRT CRT	EWA
39		SET NEXT DATE FOR: 02/28/22 9:30 AM MOTION HEARING DFT'S RE: TO DISMISS BASED UPON ENTRAPMENT	CLK CLK CLK CLK	EWA
40	02/25/22	REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS W/NOTICE	CLK CLK CLK	GCO
41		REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS W/NOTICE	CLK CLK CLK	GCO
42	02/28/22	MOTION HEARING ATTY DODDAMANI FOR AG PRESENT; ATTY ROLLSTIN FOR AG PRESENT; ATTY PALLAS FOR AG PRESENT; ATTY JOHNSON AND ATTY BALLARD FOR DFT PRESENT; DFT PRESENT; SWORN TESTIMONY HEARD; CLOSING ARGUMENTS BY COUNSEL; COURT SETS HEARING FOR RULING	CRT CRT CRT CRT CRT CRT CRT CRT	EWA
43		SET NEXT DATE FOR: 03/01/22 1:30 PM MISCELLANEOUS HEARING	CLK CLK	EWA
44	03/01/22	RULING ON MOTION TO DISMISS REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS	CLK CLK CLK CLK	GCO
45		REQUEST AND NOTICE FOR FILM	CLK	GCO

	AND ELECTRONIC MEDIA COVERAGE	CLK	
	OF COURT PROCEEDINGS	CLK	
46	MISCELLANEOUS HEARING	CRT	EWA
	ATTY DODDAMANI FOR AG VIA	CRT	
	ZOOM; ATTY ROLLSTIN FOR AG VIA	CRT	
	ZOOM; ATTY PALLAS FOR AG VIA	CRT	
	ZOOM; ATTY JOHNSON FOR DFT	CRT	
	PRESENT; DFT VIA ZOOM; DFT'S	CRT	
	MOTION TO DISMISS BASED UPON	CRT	
	ENTRAPMENT IS DENIED; COURT	CRT	
	SETS FINAL PRETRIAL AND JURY	CRT	
	TRIAL	CRT	
47	NOTICE SENT FOR: 08/09/22 9:00 AM	CLK	EWA
	PRE-TRIAL HEARING		
	FINAL	CLK	
	W/PROOF OF SERVICE	CLK	
48	NOTICE SENT FOR: 09/12/22 9:30 AM	CLK	EWA
	JURY TRIAL		
	W/PROOF OF SERVICE	CLK	
49 03/16/22	TRANSCRIPT OF EXCERPT OF	CLK	LKW
	TESTIMONY--"DAN" HEARD ON	CLK	
	MONDAY, FEBRUARY 28,2022	CLK	
	TRANSCRIBED BY THERESA'S	CLK	
	TRANSCRIPTION SERVICES	CLK	
50 07/19/22	PROOF OF SERVICE FILED	CLK	CKR
	PEOPLE'S MOTION IN LIMINE &	CLK	
	BRIEF	CLK	
	MEMORANDUM OF LAW	CLK	
	MOTION IN LIMINE TO PRECLUDE	CLK	
	MOTION FOR SPECIAL JURY	CLK	
	INSTRUCTIONS	CLK	
51 07/20/22	MOTION FILED	CLK	CKR
	PEOPLE'S MOTION IN LIMINE TO	CLK	
	PRECLUDE ANY ATTEMPTS BY DFTS	CLK	
	TO ADMIT THEIR OWN HEARSAY	CLK	
	STATEMENTS	CLK	
52	MOTION FILED	CLK	CKR
	PEOPLE'S MOTION IN LIMINE RE:	CLK	
	USE OF CO-CONSPIRATOR	CLK	
	STATEMENTS AT TRIAL	CLK	
	W/ BRIEF IN SUPPORT	CLK	
53	MOTION FILED	CLK	CKR
	PEOPLE'S MEMORANDUM AS TO THE	CLK	
	INADMISSIBILITY OF QUESTIONING	CLK	
	OF SPECIAL AGENT IMPOLA AT	CLK	
	TRIAL AS TO UNADJUDICATED	CLK	
	ALLEGATIONS OF PERJURY IN AN	CLK	
	UNRELATED CASE	CLK	
54	MOTION FILED	CLK	CKR
	MOTION FOR SPECIAL JURY	CLK	
	INSTRUCTION	CLK	
	W/ BRIEF IN SUPPORT	CLK	
55	PEOPLE'S NOTICE OF INTENT TO	CLK	CKR
	INTRODUCE ACTS EVIDENCE	CLK	
	PROOF OF SERVICE	CLK	
56 07/26/22	MOTION FILED	CLK	AYL
	RE: PEOPLE'S MOTION IN LIMINE	CLK	

	TO PRECLUDE INADMISSABLE	CLK	
	IMPEACHMENT EVIDENCE ABOUT	CLK	
	FBI AGENTS	CLK	
57 08/01/22	DEFENDANT'S RESPONSE TO	CLK	TCA
	GOVERNMENTS MOTION IN LIMINE	CLK	
	REGARDING 608 IMPEACHMENT	CLK	
58	DEFENDANTS RESPONSE TO THE	CLK	TCA
	GOVERNMENTS MOTION TO PRECLUDE	CLK	
	THEIR OWN STATEMENTS.	CLK	
	DEFENDANTS RESPONSE TO PEOPLES	CLK	
	MOTIN IN LIMINE TO EXCLUDE	CLK	
	IMPEACHMENT EVIDENCE OF AGENT	CLK	
	TRACK & CHAMBERS.	CLK	
59	DEFENDANTS RESPONSE TO THE	CLK	TCA
	GOVERNMENTS MOTION IN LIMINE	CLK	
	REGARDING THE USE OF ALLEGED	CLK	
	CO-CONSPIRATOR STATEMENTS.	CLK	
	DEFENDANTS RESPONSE TO	CLK	
	GOVERNMENTS MOTION FOR SPECIAL	CLK	
	JURY INSTRUCTION.	CLK	
60 08/04/22	NOTICE OF HEARING	CLK	TCA
	SET NEXT DATE FOR: 08/09/22 9:01 AM	CLK	
	MOTION HEARING		
	RE:VARIOUS MOTIONS	CLK	
61 08/05/22	REMOVE NEXT EVENT: 09/12/22 9:30 AM	CLK	EWA
	JURY TRIAL		
	PER REQUEST OF AG DUE TO	CLK	
	UNAVAILABILITY; JURY TRIAL	CLK	
	RESET	CLK	
62	NOTICE SENT FOR: 10/03/22 9:00 AM	CLK	EWA
	JURY TRIAL		
	W/PROOF OF SERVICE	CLK	
63 08/08/22	REQUEST AND NOTICE FOR FILM &	CLK	ALR
	ELECTRONIC MEDIA COVERAGE OF	CLK	
	COURT PROCEEDINGS	CLK	
64 08/09/22	MOTION HEARING	CRT	EWA
	ATTY DODDAMANI, ATTY PALLAS	CRT	
	AND ATTY ROLLSTIN FOR AG	CRT	
	PRESENT; ATTY JOHNSON FOR DFT	CRT	
	PRESENT; DFT PRESENT;	CRT	
	ARGUMENTS HEARD; COURT PLACES	CRT	
	RULINGS ON RECORD; JURY TRIAL	CRT	
	DATE REMAINS	CRT	
65 08/18/22	REQUEST AND NOTICE FOR FILM	CLK	CHO
	AND MEDIA COVERAGE OF COURT	CLK	
	PROCEEDINGS ON OCTOBER 3, 2022	CLK	
	BY WILX	CLK	
66 09/02/22	MICHIGAN DEPARTMENT OF	CLK	MAL
	ATTORNEY GENERAL WITNESS LIST	CLK	
	OF ENDORSED WITNESSES FOR	CLK	
	TRIAL	CLK	
	PROOF OF SERVICE	CLK	
67	DEFENDANT'S WITNESS LIST	CLK	TCA
68 09/07/22	PEOPLE'S DEMAND FOR DISCOVERY	CLK	MAL
	PROOF OF SERVICE	CLK	
69 09/12/22	REQUEST AND NOTICE FOR FILM	CLK	GCO
	AND ELECTRONIC MEDIA COVERAGE	CLK	

		OF COURT PROCEEDINGS	CLK	
		VANDUSSEN PRODUCTIONS	CLK	
70	09/14/22	THE PEOPLE'S MOTION IN LIMINE	CLK	TCA
		TO EXCLUDE EVIDENCE OF PRIOR	CLK	
		VERDICT IN RELATED FEDERAL	CLK	
		CASE.	CLK	
		WITH PROOF OF SERVICE.	CLK	
71		SET NEXT DATE FOR: 09/15/22 11:30 AM	CLK	EWA
		MISCELLANEOUS HEARING		
72	09/15/22	FROM: BALLARD, LEONARD,	CLK	NEM
		TO: JOHNSON, KAREEM LAMOUNT,	CLK	
73		MISCELLANEOUS HEARING	CRT	NEM
		ATTYS DODDAMANI, PALLAS, AND	CRT	
		ROLLSTIN FOR THE AG OFFICE VIA	CRT	
		ZOOM; ATTY JOHNSON FOR THE DFT	CRT	
		PRESENT; DFT VIA ZOOM;	CRT	
		MATTERS ADDRESSED AND RULINGS	CRT	
		PLACED ON THE RECORD;	CRT	
		ADDITIONAL COURT DATE IS SET	CRT	
		FOR CONTINUATION AND FOR ANY	CRT	
		FURTHER ISSUES TO BE ADDRESSED	CRT	
74		NOTICE SENT FOR: 09/27/22 10:30 AM	CLK	NEM
		MISCELLANEOUS HEARING		
		W/PROOF OF SERVICE	CLK	
75	09/20/22	REQUEST AND NOTICE FOR FILM	CLK	GCO
		AND ELECTRONIC MEDIA COVERAGE	CLK	
		OF COURT PROCEEDINGS MLIVE	CLK	
76		REQUEST AND NOTICE FOR FILM	CLK	GCO
		AND ELECTRONIC MEDIA COVERAGE	CLK	
		OF COURT PROCEEDINGS MLIVE	CLK	
78		ORDER	CLK	EWA
		RE: DENYING ERIC VANDUSSEN'S	CLK	
		MEDIA REQUEST	CLK	
77	09/21/22	REQUEST AND NOTICE FOR FILM &	CLK	TCA
		ELECTRONIC MEDIA COVERAGE OF	CLK	
		COURT PROCEEDINGS.	CLK	
79	09/22/22	MOTION FILED	CLK	CKR
		ERIC VANDUSSEN FOR VANDUSSEN	CLK	
		PRODUCTIONS EMERGENCY MOTION	CLK	
		FOR RECONSIDERATION	CLK	
		W/PROOF OF SERVICE	CLK	
80		MOTION FILED	CLK	CKR
		RECEIPT# 00436981 AMT \$20.00		
		FROM ERIC VANDUSSEN	CLK	
81		ORDER	CLK	EWA
		DENYING ERIC VANDUSSEN'S	CLK	
		MEDIA REQUEST (9/27 HEARING)	CLK	
82		MI DEPT OF ATTY GENERAL FIRST	CLK	MAL
		AMENDED WITNESS LIST OF	CLK	
		ENDORSED WITNESSES FOR TRIAL	CLK	
		PROOF OF SERVICE	CLK	
83	09/23/22	WRIT OF HABEAS CORPUS	CLK	CKR
		DELIVER TO JUDGE WILSON'S	CLK	
		COURTROOM ON 10-10-2022 @ 9 AM	CLK	
		FOR WITNESS TESTIMONY	CLK	
84		SET NEXT DATE FOR: 09/27/22 10:31 AM	CLK	EWA
		MOTION HEARING		

OPEN
20-003173-FH JUDGE WILSON

CASE REGISTER OF ACTIONS
FILE 04/07/21

09/26/22 PAGE 8

RE:VANDUSSEN PRODUCTIONS	CLK
EMERGENCY MOTION FOR	CLK
RECONSIDERATION	CLK
END OF SUMMARY	

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EXHIBIT 11

OPEN
20-003172-FH JUDGE WILSON
JACKSON

CASE REGISTER OF ACTIONS
FILE 04/07/21

09/26/22 PAGE

D 001 MORRISON, JOSEPH, MATTHEW DOB: XXXXXXXX SEX: M RACE: U
8008 DUNN RD CTN: 962090096801 TCN:
MUNITH, MI 49259 SID: 5493153E PIN: 1000031420
ATY: BALLARD, LEONARD, PROSECUTOR: DODDAMANI, SUNITA G.,
P-81245 517-768-6842 RETAINED P-67459
LOWER DISTRICT: 1200 CTY# 38 CASE# 2003172FY PRELIM: WAIVE 03/29/21
INCARCERATION DATE: 11/01/19 DISTRICT ARRAIGNMENT: 10/08/20

B 001 A1 BAIL BONDS,,
ATY: BOND, A-1 BAIL B
P-09511 517-676-8111

Bond History

Num	Amount	Type	Posted Date	Status
1	\$150,000.00	Cash/Surety		Cancelled
2	\$5,000.00	Surety	12/21/21	Posted

Charges

Num	Type	Charge (Pacc)	Asc/Trf	Charge Description	Offense Dt	Dsp	Evt
01	ORG	750.411U		GANG MEMBERSHIP FELONIES	11/01/19		
02	ORG	750.543K1B		TERRORIST ACTS-PROVIDE MA	11/01/19		
03	ORG	750.227B-A		FELONY FIREARMS	11/01/19		

Actions, Judgments, Case Notes

Num	Date	Judge	Chg/Pty	Event Description/Comments	
1	04/07/21	WILSON		RETURN TO CIRCUIT COURT	CLK LSA
				150,000 C/S NOT POSTED	CLK
				CO-DFTS PAUL BELLAR 20-3171-FH	CLK
				PETE MUSICO 20-3173-FH	CLK
				BOUND OVER	CLK
2				TRANSCRIPT OF PROBABLE CAUSE	CLK LMC
				VOL 1 AND 2 ON 3/3/2021	CLK
				AND 3/4/2021	CLK
3				TRANSCRIPT OF PROBABLE CAUSE	CLK LMC
				HEARING VOL 3 ON 3/4/2021	CLK
4				INFORMATION	CLK EWA
5	04/21/21			NOTICE SENT FOR: 05/25/21 9:00 AM	CLK NEM
				PRE-TRIAL HEARING	
				W/PROOF OF SERVICE	CLK
6	04/27/21			ORDER	CLK LMC
				APPROVING PAYMENT FOR	CLK
				ATTORNEY FEES	CLK
7	05/07/21			TRANSCRIPT OF PROBABLE CAUSE	CLK LSA
				HEARING 3/29/21	CLK
8	05/19/21			PROSECUTOR CORRECTED TO	CLK NEM
				DADDAMANI PER PHONE CALL FROM	CLK
				THE ATTORNEY GENERALS OFFICE	CLK
9	05/25/21			PRE-TRIAL HEARING	CRT EWA
				ATTY DODDAMANI, ATTY ROLLSTIN,	CRT

	AND ATTY PALLAS FOR AG VIA	CRT	
	ZOOM; ATTY SOMBERG FOR DFT VIA	CRT	
	ZOOM; DFT IN CUSTODY VIA ZOOM;	CRT	
	ALL MOTIONS TO BE FILED BY	CRT	
	06/25/2021; ALL MOTION	CRT	
	RESPONSES TO BE FILED BY	CRT	
	07/16/2021; COURT SETS NEW	CRT	
	PRETRIAL DATE; ALL MOTIONS TO	CRT	
	BE ADDRESSED ON SAME DATE	CRT	
11	REQ/NOTICE FOR FILM/ELECTRONIC MEDI	CLK	EWA
	A COVERAGE OF CT. PROCEEDINGS	CLK	
10 05/26/21	NOTICE SENT FOR: 07/23/21 10:00 AM	CLK	EWA
	PRE-TRIAL HEARING		
	W/PROOF OF SERVICE	CLK	
12 06/21/21	MOTION FILED	CLK	LMC
	TO DISMISS BASED UPON	CLK	
	ENTRAPMENT	CLK	
	W/BRIEF	CLK	
13 06/28/21	THE PEOPLE'S GOECKE MOTION	CLK	LMC
	TO AMEND THE INFORMATION	CLK	
	BRIEF, PROOF OF SERVICE	CLK	
14 07/23/21	PRE-TRIAL HEARING	CRT	EWA
	ATTY DODDAMANI FOR AG VIA	CRT	
	ZOOM; ATTY PALLAS FOR AG VIA	CRT	
	ZOOM; ATTY WILLIAMS FOR DFT	CRT	
	VIA ZOOM; DFT IN CUSTODY VIA	CRT	
	ZOOM; COURT SETS MOTION	CRT	
	HEARING DATES; ALL ANSWERS TO	CRT	
	MOTIONS TO BE FILED BY THE	CRT	
	END OF SEPTEMBER	CRT	
15	NOTICE SENT FOR: 11/17/21 9:00 AM	CLK	EWA
	MOTION HEARING		
	RE: PEOPLE'S GOECKE MOTION TO	CLK	
	AMEND THE INFORMATION AND	CLK	
	DFT'S MOTION TO QUASH	CLK	
	W/PROOF OF SERVICE	CLK	
16	NOTICE SENT FOR: 12/06/21 9:00 AM	CLK	EWA
	MOTION HEARING		
	DFT'S RE: TO DISMISS BASED	CLK	
	UPON ENTRAPMENT	CLK	
	W/PROOF OF SERVICE	CLK	
17 08/11/21	D 001 MOTION FILED	CLK	CKR
	SET NEXT DATE FOR: 11/17/21 9:01 AM	CLK	
	MOTION HEARING		
	RE: TO QUASH AND FOR PERSONAL	CLK	
	BOND	CLK	
	PROOF OF SERVICE	CLK	
18 08/30/21	TRANSCRIPT OF BOND HEARING	CLK	LKW
	VOL. 1 HELD ON MARCH 5, 2021	CLK	
19 09/23/21	THE PEOPLE'S ANSWER TO	CLK	LKW
	DEFENDANTS BELLAR'S, MORRISONS	CLK	
	AND MUSICO'S MOTIONS TO	CLK	
	DISMISS BASED ON ENTRAPMENT	CLK	
20 10/08/21	POEPL'S ANSWER AND BRIEF	CLK	LMC
	IN OPPOSITION TO DFT	CLK	
	MOTION TO QUASH W/PROOF	CLK	
21 11/16/21	REMOVE NEXT EVENT: 11/17/21 9:00 AM	CLK	EWA

LINE	DATE	DESCRIPTION	TIME	CLERK	STATUS
22	11/17/21	MOTION HEARING PER REQUEST OF THE COURT REMOVE NEXT EVENT: 11/17/21	9:01 AM	CLK EWA	
23		MOTION HEARING REMOVE NEXT EVENT: 12/06/21	9:00 AM	CLK EWA	
24		MOTION HEARING NOTICE SENT FOR: 12/06/21	9:00 AM	CLK EWA	
25		MOTION HEARING RE:PEOPLES GOECKE MOTION TO AMEND THE INFORMATION. DFT'S MOTION TO QUASH AND DFT'S MOTION TO DISMISS - ENTRAPMENT W/PROOF OF SERVICE NOTICE SENT FOR: 12/06/21	9:01 AM	CLK EWA	
26	11/22/21	MOTION HEARING RE:FOR PERSONAL BOND W/PROOF OF SERVICE REMOVE NEXT EVENT: 12/06/21	9:00 AM	CLK EWA	
27		MOTION HEARING DUE TO JUDGE AVAILABILITY REMOVE NEXT EVENT: 12/06/21	9:01 AM	CLK EWA	
28		MOTION HEARING DUE TO JUDGE AVAILABILITY NOTICE SENT FOR: 12/20/21	9:00 AM	CLK EWA	
29		MOTION HEARING RE:PEOPLES GOECKE MOTION TO AMEND THE INFORMATION; DFTS MOTION TO QUASH AND DFTS MOTION TO DISMISS - ENTRAPMENT W/PROOF OF SERVICE NOTICE SENT FOR: 12/20/21	9:01 AM	CLK EWA	
30	12/01/21	MOTION HEARING RE:FOR PERSONAL BOND W/PROOF OF SERVICE MICHIGAN DEPT OF ATTORNEY GENERAL WITNESS LIST		CLK LMC	
31	12/17/21	PEOPLE'S BRIEF IN RESPONSE TO DFTS MOTION FOR PERSONAL BOND		CLK LSA	
32	12/20/21	REQ/NOTICE FOR FILM/ELECTRONIC MEDI A COVERAGE OF CT. PROCEEDINGS DETROIT FREE PRESS - APPROVED		CLK EWA	
33		MOTION HEARING ATTY DODDAMANI FOR AG PRESENT; ATTY ROLLSTIN FOR AG PRESENT; ATTY PALLAS FOR AG PRESENT; ATTY SOMBERG FOR DFT PRESENT; DFT IN CUSTODY PRESENT; ARGUMENTS HEARD; DFT'S MOTION TO QUASH BINDOVER IS DENIED; PEOPLE'S GOECKE MOTION TO AMEND THE INFORMATION IS DENIED; DFT'S MOTION FOR BOND IS GRANTED; COURT ORDERS \$5,000.00 C/S BOND; GPS TETHER - 50 FT RADIUS BOND CANCELLED (01) ORDER		CRT EWA	
34				CLK EWA	
35				CLK EWA	

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LINE	DATE	TIME	DESCRIPTION	STATUS	ASSIGNED TO
36			RE:PRETRIAL RELEASE NOTICE SENT FOR: 02/23/22 9:00 AM MOTION HEARING	CLK	EWA
			DFT'S RE: TO DISMISS BASED UPON ENTRAPMENT W/PROOF OF SERVICE	CLK	
37	12/21/21		BOND POSTED (02)	CLK	LSA
38	01/07/22		BOND CONDITIONS ENTERED INTO LEIN SYSID NO P31020601	CLK	CHO
39	02/01/22		ORDER DENYING THE PEOPLE'S GOECKE MTN TO AMEND THE INFORMATION AND DEFENDANT'S MOTIONS TO QUASH THE INFORMATION EMAILED TO COUNSELS	CLK	NEM
40	02/16/22		PEOPLE'S MEMORANDUM OF LAW AS TO THE INADMISSIBILITY OF QUESTIONING OF SPECIAL AGENT IPOLA AS TO UNADJUDICATED ALLEGATIONS OF PERJURY IN AN UNRELATED CASE PROOF OF SERVICE	CLK	CKR
41	02/18/22		REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS W/NOTICE TO PARTIES/ATTORNEYS	CLK	ALR
42	02/22/22		REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS W/NOTICE	CLK	GCO
43	02/23/22		MOTION HEARING ATTY DODDAMANI FOR AG PRESENT; ATTY ROLLSTIN FOR AG PRESENT; ATTY PALLAS FOR AG PRESENT; ATTY SOMBERG FOR DFT PRESENT; DFT PRESENT; SWORN TESTIMONY HEARD; EXHIBITS ENTERED; MOTION HEARING TO BE CONTINUED ON 02/28/2022; ATTY SOMBERG ADDRESSES BOND; COURT AMENDS BOND TO ALLOW DFT TO WORK BETWEEN THE HOURS OF 8AM-6PM	CRT	EWA
44			SET NEXT DATE FOR: 02/28/22 9:30 AM MOTION HEARING DFT'S RE: TO DISMISS BASED UPON ENTRAPMENT	CLK	EWA
45	02/25/22		ORDER RE:AMENDED PRETRIAL RELEASE	CLK	EWA
46			REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS W/NOTICE	CLK	GCO
47			REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS W/NOTICE	CLK	GCO
48			BOND CONDITIONS AMENDED IN LEIN SYS ID:P31020601	CLK	GCO
49	02/28/22		MOTION HEARING ATTY DODDAMANI FOR AG PRESENT;	CRT	EWA

OPEN
20-003172-FH JUDGE WILSON

CASE REGISTER OF ACTIONS
FILE 04/07/21

09/26/22 PAGE

	ATTY ROLLSTIN FOR AG PRESENT;	CRT	
	ATTY PALLAS FOR AG PRESENT;	CRT	
	ATTY SOMBERG FOR DFT PRESENT;	CRT	
	DFT PRESENT; SWORN TESTIMONY	CRT	
	HEARD; CLOSING ARGUMENTS BY	CRT	
	COUNSEL; COURT SETS HEARING	CRT	
	FOR RULING	CRT	
50	SET NEXT DATE FOR: 03/01/22 1:30 PM	CLK	EWA
	MISCELLANEOUS HEARING		
	RULING ON MOTION TO DISMISS	CLK	
51 03/01/22	REQUEST AND NOTICE FOR FILM	CLK	GCO
	AND ELECTRONIC MEDIA COVERAGE	CLK	
	OF COURT PROCEEDINGS	CLK	
52	REQUEST AND NOTICE FOR FILM	CLK	GCO
	AND ELECTRONIC MEDIA COVERAGE	CLK	
	OF COURT PROCEEDINGS	CLK	
53	MISCELLANEOUS HEARING	CRT	EWA
	ATTY DODDAMANI FOR AG VIA	CRT	
	ZOOM; ATTY ROLLSTIN FOR AG VIA	CRT	
	ZOOM; ATTY PALLAS FOR AG VIA	CRT	
	ZOOM; ATTY SOMBERG FOR DFT	CRT	
	VIA ZOOM; DFT VIA ZOOM; DFT'S	CRT	
	MOTION TO DISMISS BASED UPON	CRT	
	ENTRAPMENT IS DENIED; COURT	CRT	
	SETS FINAL PRETRIAL AND JURY	CRT	
	TRIAL DATE	CRT	
54	NOTICE SENT FOR: 08/09/22 9:00 AM	CLK	EWA
	PRE-TRIAL HEARING		
	FINAL	CLK	
	W/PROOF OF SERVICE	CLK	
55	NOTICE SENT FOR: 09/12/22 9:30 AM	CLK	EWA
	JURY TRIAL		
	W/PROOF OF SERVICE	CLK	
56 03/04/22	ORDER	CLK	EWA
	RE:PRETRIAL RELEASE - AMENDED	CLK	
	CONDITIONS	CLK	
57 03/16/22	TRANSCRIPT OF EXCERPT OF	CLK	LKW
	TESTIMONY-- "DAN" HEARD ON	CLK	
	MONDAY, FEBRUARY 28,2022	CLK	
	TRANSCRIBED BY THERESA'S	CLK	
	TRANSCRIPTION SERVICE	CLK	
58 04/18/22	DFT LEFT VOICEMAIL REGARDING	CLK	NEM
	AN ISSUE HE HAD W/HIS GPS	CLK	
	TETHER ON 04-17-2022 @ 6:30PM;	CLK	
	HE MET AN OFFICER AT JAX CRSNG	CLK	
	7:40PM TO 8:40PM TO RESOLVE	CLK	
	THE ISSUE	CLK	
	VOICEMAIL FORWARDED TO ATTY	CLK	
	SOMBERG AND ATTY DODDAMANI	CLK	
59 07/19/22	PROOF OF SERVICE FILED	CLK	CKR
	MOTION IN LIMINE & BRIEF	CLK	
	PEOPLE'S MEMORANDUM OF LAW	CLK	
	MOTION IN LIMINE TO PRECLUDE	CLK	
	MOTION FOR SPECIAL JURY	CLK	
	INSTRUCTIONS	CLK	
60 07/20/22	MOTION FILED	CLK	CKR
	PEOPLE'S MOTION IN LIMINE TO	CLK	

	PRECLUDE ANY ATTEMPTS BY DFTS	CLK
	TO ADMIT THEIR OWN HEARSAY	CLK
	STATEMENTS	CLK
61	MOTION FILED	CLK CKR
	PEOPLE'S MOTION IN LIMINE RE:	CLK
	USE OF CO-CONSPIRATOR	CLK
	STATEMENTS AT TRIAL	CLK
	W/ BRIEF AND SUPPORT	CLK
62	MOTION FILED	CLK CKR
	PEOPLE'S MEMORANDUM OF LAW AS	CLK
	TO THE INADMISSABILITY OF	CLK
	QUESTIONING OF SPECIAL AGENT	CLK
	IMPOLA AT TRIAL AS TO THE	CLK
	UNADJUDICATED ALLEGATIONS OF	CLK
	PERJURY IN AN UNRELATED CASE	CLK
63	MOTION FILED	CLK CKR
	MOTION FOR SPECIAL JURY	CLK
	INSTRUCTIONS	CLK
	W/ BRIEF IN SUPPORT	CLK
64	PEOPLE'S NOTICE OF INTENT TO	CLK CKR
	INTRODUCE OTHER ACTS EVIDENCE	CLK
	PROOF OF SERVICE	CLK
65 07/26/22	MOTION FILED	CLK AYL
	RE: PEOPLE'S MOTION IN LIMINE	CLK
	TO PRECLUDE INADMISSABLE	CLK
	IMPEACHMENT EVIDENCE ABOUT	CLK
	FBI AGENTS	CLK
66 08/05/22	REMOVE NEXT EVENT: 09/12/22 9:30 AM	CLK EWA
	JURY TRIAL	
	PER REQUEST OF AG DUE TO	CLK
	UNAVAILABILITY; JURY TRIAL	CLK
	RESET	CLK
67	NOTICE SENT FOR: 10/03/22 9:00 AM	CLK EWA
	JURY TRIAL	
	W/PROOF OF SERVICE	CLK
68 08/08/22	REQUEST AND NOTICE FOR FILM &	CLK ALR
	ELECTRONIC MEDIA COVERAGE OF	CLK
	COURT PROCEEDINGS	CLK
69 08/09/22	MOTION HEARING	CRT EWA
	ATTY DODDAMANI, ATTY PALLAS	CRT
	AND ATTY ROLLSTIN FOR AG	CRT
	PRESENT; ATTY SOMBERG FOR DFT	CRT
	PRESENT; DFT PRESENT;	CRT
	ARGUMENTS HEARD; COURT PLACES	CRT
	RULINGS ON RECORD; JURY TRIAL	CRT
	DATE REMAINS; ATTY SOMBERG	CRT
	ADDRESSES BOND; ATTY SOMBERG	CRT
	TO PREPARE NEW BOND ORDER	CRT
	ALLOWING DFT TO SEARCH FOR	CRT
	WORK, GROCERY SHOP AND STOP	CRT
	FOR GAS	CRT
70 08/17/22	ORDER	CLK EWA
	RE:PRETRIAL RELEASE - AMENDED	CLK
	CONDITIONS	CLK
71 08/18/22	REQUEST AND NOTICE FOR FILM	CLK CHO
	AND ELECTRONIC MEDIA COVERAGE	CLK
	OF COURT PROCEEDINGS ON	CLK

Case Number	Date	Case Description	Case Type	Case Status
72	09/02/22	OCTOBER 3, 2022 SUBMITTED BY WILX MICHIGAN DEPARTMENT OF ATTORNEY GENERAL WITNESS LIST OF ENDORSED WITNESSES FOR TRIAL	CLK	MAL
73	09/07/22	D 001 PROOF OF SERVICE APPEARANCE ATTORNEY: P-81245 BALLARD SUBSTITUTION OF ATTORNEY PROOF OF SERVICE	CLK	MAL
74		D 001 FROM: SOMBERG, NICHOLAS, TO: BALLARD, LEONARD,	CLK	MAL
75		NOTICE OF ELIGIBILITY FOR COUNSEL	CLK	MAL
76		PEOPLE'S DEMAND FOR DISCOVERY PROOF OF SERVICE	CLK	MAL
77	09/12/22	REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS VANDUSSEN PRODUCTIONS	CLK	GCO
78	09/14/22	THE PEOPLE'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF PRIOR VERDICT IN RELATED FEDERAL CASE.	CLK	TCA
79		WITH PROOF OF SERVICE. SET NEXT DATE FOR: 09/15/22 11:30 AM MISCELLANEOUS HEARING	CLK	EWA
80	09/15/22	MISCELLANEOUS HEARING ATTYS DODDAMANI, PALLAS, AND ROLLSTIN FOR THE AG OFFICE VIA ZOOM; ATTY SOMBERG VIA ZOOM; ATTY BALLARD PRESENT; DFT PRESENT; ARGUMENTS HEARD AS TO DISMISSING ATTY SOMBERG AND APPOINTING ATTY BALLARD, COURT RULES IN DISMISSING ATTY SOMBERG AND APPOINTS ATTY BALLARD; ADDITIONAL MATTERS ADDRESSED, THE COURT SETS A NEW DATE FOR CONTINUATION AND FOR ANY FURTHER ISSUES TO BE ADDRESSED	CRT	NEM
81		NOTICE SENT FOR: 09/27/22 10:30 AM MISCELLANEOUS HEARING	CLK	NEM
82	09/20/22	W/PROOF OF SERVICE REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS MLIVE	CLK	GCO
83		REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS MLIVE	CLK	GCO
84		ORDER RE: DENYING ERIC VANDUSSEN'S MEDIA REQUEST	CLK	EWA
85	09/22/22	MOTION FILED ERIC VANDUSSEN FOR VANDUSSEN	CLK	CKR

OPEN
20-003172-FH JUDGE WILSON

CASE REGISTER OF ACTIONS
FILE 04/07/21

09/26/22 PAGE

	PRODUCTIONS EMERGENCY MOTION	CLK	
	FOR RECONSIDERATION	CLK	
	W/ PROOF OF SERVICE	CLK	
86	MOTION FILED	CLK	CKE
	RECEIPT# 00436982 AMT \$20.00		
	FROM ERIC VANDUSSEN	CLK	
87	ORDER	CLK	EWA
	DENYING ERIC VANDUSSEN'S	CLK	
	MEDIA REQUEST (9/27 HEARING)	CLK	
88	MI DEPT OF ATTY GENERAL FIRST	CLK	MAI
	AMENDED WITNESS LIST OF	CLK	
	ENDORSED WITNESSES FOR TRIAL	CLK	
	PROOF OF SERVICE	CLK	
89 09/23/22	WRIT OF HABEAS CORPUS	CLK	CKE
	DELIVER TO JUDGE WILSON'S	CLK	
	COURTROOM ON 10-10-2022 @ 9 AM	CLK	
	FOR WITNESS TESTIMONY	CLK	
90	SET NEXT DATE FOR: 09/27/22 10:31 AM	CLK	EWA
	MOTION HEARING		
	RE:VANDUSSEN PRODUCTIONS	CLK	
	EMERGENY MOTION FOR	CLK	
	RECONSIDERATION	CLK	
..... END OF SUMMARY			

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EXHIBIT 12

OPEN
20-003171-FH JUDGE WILSON
JACKSON

CASE REGISTER OF ACTIONS
FILE 04/07/21

09/26/22 PAGE

D 001 BELLAR, PAUL, EDWARD
1985 DORCHESTER DR
COMMERCE, MI 48390

DOB: XXXXXXXX SEX: M RACE: U
CTN: 962090096901 TCN:
SID: 5901581K PIN: 1000031420
DLN: XXXXXXXXXXXX ST: XX

ATY: KIRKPATRICK, ANDREW P.,

PROSECUTOR: DODDAMANI, SUNITA G.,

P-66842 517-783-3500 APPOINTED

P-67459

LOWER DISTRICT: 1200 CTY# 38 CASE# 2003171FY PRELIM: WAIVE 03/29/21

INCARCERATION DATE: 11/01/19 DISTRICT ARRAIGNMENT: 10/20/20

B 001 LODISE,,
ATY: BOND, LODISE BON
P-09500 517-788-8888

Bond History

Num	Amount	Type	Posted Date	Status
1	\$75,000.00	Surety	4/07/21	Posted

Charges

Num	Type	Charge(Pacc)	Asc/Trf	Charge Description	Offense Dt	Dsp	Evt
01	ORG	750.543K1B		TERRORIST ACTS-PROVIDE MA	11/01/19		
02	ORG	750.411U		GANG MEMBERSHIP FELONIES	11/01/19		
03	ORG	750.227B-A		FELONY FIREARMS	11/01/19		

Actions, Judgments, Case Notes

Num	Date	Judge	Chg/Pty	Event Description/Comments	
1	04/07/21	WILSON		RETURN TO CIRCUIT COURT	CLK LSA
				75,000 SUR BOND POSTED BY	CLK
				LODISE	CLK
				CO-DFTS PETE MUSCIO 20-3173-FH	CLK
				JOSEPH MORRISON 20-3172-FH	CLK
				BOUND OVER	CLK
2			B 001	BOND POSTED (01)	CLK LSA
3				TRANSCRIPT OF PROBABLE CAUSE	CLK LMC
				HEARING VOL 1, VOL 2, VOL 3	CLK
				ON 3/3/20201-3/4/2021	CLK
4				INFORMATION	CLK EWA
8				COURT ORI MODIFIED FROM 12D TO	CLK CVD
				4TH CC SYSID NO P30914494	CLK
5	04/20/21			MOTION FILED	CLK LMC
				EX-PARTE MOTION FOR	CLK
				EXTRAORDINARY FEES	CLK
6				ORDER	CLK LMC
				EX-PARTE ORDER RE: FEES	CLK
7	04/21/21			NOTICE SENT FOR: 05/25/21 9:00 AM	CLK NEM
				PRE-TRIAL HEARING	
				W/PROOF OF SERVICE	CLK
9	05/07/21			TRANSCRIPT OF PROBABLE CAUSE	CLK LSA
				HEARING 3/29/21	CLK
10	05/19/21			PROSECUTOR CORRECTED TO	CLK NEM

		DODDAMANI PER PHONE CALL FROM	CLK	
		THE ATTORNEY GENERALS OFFICE	CLK	
11	05/25/21	PRE-TRIAL HEARING	CRT	EWA
		ATTY DODDAMANI, ATTY ROLLSTIN,	CRT	
		AND ATTY PALLAS FOR AG VIA	CRT	
		ZOOM; ATTY KIRKPATRICK FOR DFT	CRT	
		PRESENT; DFT VIA ZOOM; ATTY	CRT	
		KIRKPATRICK REQUESTS THAT DFT	CRT	
		BE ALLOWED TO LEAVE STATE TO	CRT	
		GET HIS BELONGINGS; COURT	CRT	
		GRANTS 4 DAYS; ATTY	CRT	
		KIRKPATRICK TO PREPARE ORDER;	CRT	
		MOTIONS TO BE FILED BY	CRT	
		06/25/2021; MOTION RESPONSES	CRT	
		TO BE FILED BY 07/16/2021;	CRT	
		COURT SETS NEW PRETRIAL DATE;	CRT	
		ALL MOTIONS TO BE ADDRESSED ON	CRT	
		SAME DATE; BOND CONTINUED	CRT	
12		REQ/NOTICE FOR FILM/ELECTRONIC MEDI	CLK	EWA
		A COVERAGE OF CT. PROCEEDINGS	CLK	
13	05/26/21	NOTICE SENT FOR: 07/23/21 10:00 AM	CLK	EWA
		PRE-TRIAL HEARING		
		MOTIONS TO BE FILED BY	CLK	
		06/25/2021	CLK	
		MOTION RESPONSES TO BE FILED	CLK	
		BY 07/16/2021	CLK	
		W/PROOF OF SERVICE	CLK	
14	06/09/21	ORDER	CLK	EWA
		RE:DFT LEAVING THE STATE OF	CLK	
		MICHIGAN	CLK	
15	06/28/21	MOTION FILED	CLK	LMC
		THE PEOPLE'S GOECKE MOTION	CLK	
		TO AMEND THE INFORMATION	CLK	
		BRIEF, PROOF OF SERVICE	CLK	
16	07/13/21	D 001 MOTION FILED	CLK	CKR
		TO QUASH	CLK	
		W/ PROOF OF SERVICE	CLK	
17	07/20/21	D 001 OBJECTION TO PEOPLE'S GOECKE	CLK	CKR
		MOTION TO AMEND THE	CLK	
		INFORMATION	CLK	
18		D 001 BRIEF IN SUPPORT	CLK	CKR
		W/ PROOF OF SERVICE	CLK	
19	07/22/21	D 001 MOTION FILED	CLK	CKR
		TO DISMISS BASED UPON THE	CLK	
		DEFENSE OF ENTRAPMENT	CLK	
		W/ PROOF OF SERVICE	CLK	
20	07/23/21	PRE-TRIAL HEARING	CRT	EWA
		ATTY DODDAMANI FOR AG VIA	CRT	
		ZOOM; ATTY PALLAS FOR AG VIA	CRT	
		ZOOM; ATTY KIRKPATRICK FOR	CRT	
		DFT PRESENT; DFT VIA ZOOM;	CRT	
		COURT SETS MOTION HEARING	CRT	
		DATES; ALL ANSWERS TO MOTION	CRT	
		TO BE FILED BY THE END OF	CRT	
		SEPTEMBER; BOND CONTINUED	CRT	
21		NOTICE SENT FOR: 11/17/21 9:00 AM	CLK	EWA
		MOTION HEARING		

		RE:PEOPLE'S GOECKE MOTION TO	CLK	
		AMEND THE INFORMATION AND	CLK	
		DFT'S MOTION TO QUASH	CLK	
		W/PROOF OF SERVICE	CLK	
22		NOTICE SENT FOR: 12/06/21 9:00 AM	CLK	EWA
		MOTION HEARING		
		DFT'S RE:TO DISMISS BASED UPON	CLK	
		ENTRAPMENT	CLK	
		W/PROOF OF SERVICE	CLK	
23	09/23/21	THE PEOPLE'S ANSWER TO	CLK	LKW
		DEFENDANTS BELLAR'S,MORRISONS'	CLK	
		AND MUSICO'S MOTIONS TO	CLK	
		DISMISS BASED ON ENTRAPMENT	CLK	
24	10/08/21	PEOPLE'S ANSWER AND BRIEF	CLK	LMC
		IN OPPOSITION TO DFT	CLK	
		MOTION TO QUASH	CLK	
		W/PROOF	CLK	
25	11/16/21	REMOVE NEXT EVENT: 11/17/21 9:00 AM	CLK	EWA
		MOTION HEARING		
		PER REQUEST OF COURT	CLK	
26	11/17/21	ORDER	CLK	EWA
		RE:ALLOWING DFT TO GO TO THE	CLK	
		SECRETARY OF STATE	CLK	
27		REMOVE NEXT EVENT: 12/06/21 9:00 AM	CLK	EWA
		MOTION HEARING		
28		NOTICE SENT FOR: 12/06/21 9:00 AM	CLK	EWA
		MOTION HEARING		
		RE:PEOPLES GOECKE MOTION TO	CLK	
		AMEND THE INFORMATION, DFT'S	CLK	
		MOTION TO QUASH AND DFT'S	CLK	
		MOTION TO DISMISS - ENTRAPMENT	CLK	
		W/PROOF OF SERVICE	CLK	
29	11/22/21	REMOVE NEXT EVENT: 12/06/21 9:00 AM	CLK	EWA
		MOTION HEARING		
		DUE TO JUDGE AVAILABILITY	CLK	
30		NOTICE SENT FOR: 12/20/21 9:00 AM	CLK	EWA
		MOTION HEARING		
		RE:PEOPLES GOECKE MOTION TO	CLK	
		AMEND THE INFORMATION, DFTS	CLK	
		MOTION TO QUASH AND DFTS	CLK	
		MOTION TO DISMISS - ENTRAPMENT	CLK	
		W/PROOF OF SERVICE	CLK	
31	11/30/21	MICHIGAN DEPT OF ATTORNEY	CLK	LMC
		GENERAL WITNESS LIST	CLK	
32	12/20/21	REQ/NOTICE FOR FILM/ELECTRONIC MEDI	CLK	EWA
		A COVERAGE OF CT. PROCEEDINGS	CLK	
		DETROIT FREE PRESS - APPROVED	CLK	
33		MOTION HEARING	CRT	EWA
		ATTY DODDAMANI FOR AG PRESENT;	CRT	
		ATTY ROLLSTIN FOR AG PRESENT;	CRT	
		ATTY PALLAS FOR AG PRESENT;	CRT	
		ATTY KIRKPATRICK FOR DFT	CRT	
		PRESENT; DFT PRESENT;	CRT	
		ARGUMENTS HEARD; DFT'S MOTION	CRT	
		TO QUASH BINDOVER IS DENIED;	CRT	
		PEOPLE'S GOECKE MOTION TO	CRT	
		AMEND THE INFORMATION IS	CRT	

	DENIED; COURT RESETS	CRT	
	DFT'S ENTRAPMENT MOTION	CRT	
34	NOTICE SENT FOR: 02/23/22 9:00 AM	CLK	EWA
	MOTION HEARING		
	DFT'S RE: TO DISMISS BASED	CLK	
	UPON ENTRAPMENT	CLK	
	W/PROOF OF SERVICE	CLK	
35 01/11/22	ORDER	CLK	CKR
	RE:BOND CONDITIONS	CLK	
36 02/01/22	ORDER	CLK	NEM
	DENYING THE PEOPLE'S GOECKE	CLK	
	MTN TO AMEND THE INFORMATION	CLK	
	AND DEFENDANT'S MOTIONS TO	CLK	
	QUASH THE INFORMATION	CLK	
	EMAILED TO COUNSELS	CLK	
37 02/16/22	PEOPLE'S MEMORANDUM OF LAW AS	CLK	CKR
	TO THE INADMISSIBILITY OF	CLK	
	QUESTIONING OF SPECIAL AGENT	CLK	
	IMPOLA AS TO UNADJUDICATED	CLK	
	ALLEGATIONS OF PERJURY IN AN	CLK	
	UNRELATED CASE	CLK	
	PROOF OF SERVICE	CLK	
38 02/18/22	REQUEST AND NOTICE FOR FILM	CLK	ALR
	AND ELECTRONIC MEDIA COVERAGE	CLK	
	OF COURT PROCEEDINGS W/NOTICE	CLK	
	TO PARTIES/ATTORNEYS	CLK	
39 02/22/22	REQUEST AND NOTICE FOR FILM	CLK	GCO
	AND ELECTRONIC MEDIA COVERAGE	CLK	
	OF COURT PROCEEDINGS W/NOTICE	CLK	
40 02/23/22	MOTION HEARING	CRT	EWA
	ATTY DODDAMANI FOR AG PRESENT;	CRT	
	ATTY ROLLSTIN FOR AG PRESENT;	CRT	
	ATTY PALLAS FOR AG PRESENT;	CRT	
	ATTY KIRKPATRICK FOR DFT	CRT	
	PRESENT; DFT PRESENT; SWORN	CRT	
	TESTIMONY HEARD; EXHIBITS	CRT	
	ENTERED; MOTION HEARING TO BE	CRT	
	CONTINUED ON 02/28/2022	CRT	
41	SET NEXT DATE FOR: 02/28/22 9:30 AM	CLK	EWA
	MOTION HEARING		
	DFT'S RE: TO DISMISS BASED	CLK	
	UPON ENTRAPMENT	CLK	
42 02/25/22	REQUEST AND NOTICE FOR FILM	CLK	GCO
	AND ELECTRONIC MEDIA COVERAGE	CLK	
	OF COURT PROCEEDINGS W/NOTICE	CLK	
43	REQUEST AND NOTICE FOR FILM	CLK	GCO
	AND ELECTRONIC MEDIA COVERAGE	CLK	
	OF COURT PROCEEDINGS W/NOTICE	CLK	
44 02/28/22	MOTION HEARING	CRT	EWA
	ATTY DODDAMANI FOR AG PRESENT;	CRT	
	ATT ROLLSTIN FOR AG PRESENT;	CRT	
	ATTY PALLAS FOR AG PRESENT;	CRT	
	ATTY KIRKPATRICK FOR DFT	CRT	
	PRESENT; DFT PRESENT; SWORN	CRT	
	TESTIMONY HEARD; CLOSING	CRT	
	ARGUMENTS BY COUNSELS; COURT	CRT	
	SETS HEARING FOR RULING	CRT	

45	SET NEXT DATE FOR: 03/01/22 1:30 PM	CLK EWA
	MISCELLANEOUS HEARING	
46 03/01/22	RULING ON MOTION TO DISMISS	CLK
	REQUEST AND NOTICE FOR FILM	CLK GCO
	AND ELECTRONIC MEDIA COVERAGE	CLK
47	OF COURT PROCEEDINGS W/NOTICE	CLK
	REQUEST AND NOTICE FOR FILM	CLK GCO
	AND ELECTRONIC MEDIA COVERAGE	CLK
48	OF COURT PROCEEDINGS	CLK
	MISCELLANEOUS HEARING	CRT EWA
	ATTY DODDAMANI FOR AG VIA	CRT
	ZOOM; ATTY ROLLSTIN FOR AG VIA	CRT
	ZOOM; ATTY PALLAS FOR AG VIA	CRT
	ZOOM; ATTY KIRKPATRICK FOR DFT	CRT
	PRESENT; DFT VIA ZOOM; DFT'S	CRT
	MOTION TO DISMISS BASED UPON	CRT
	ENTRAPMENT IS DENIED; COURT	CRT
	SETS FINAL PRETRIAL AND JURY	CRT
	TRIAL DATE	CRT
49	NOTICE SENT FOR: 08/09/22 9:00 AM	CLK EWA
	PRE-TRIAL HEARING	
	FINAL	CLK
	W/PROOF OF SERVICE	CLK
50	NOTICE SENT FOR: 09/12/22 9:30 AM	CLK EWA
	JURY TRIAL	
	W/PROOF OF SERVICE	CLK
51	DEFENDANT'S CLOSING TO THE	CLK LKW
	MOTION TO DISMISS BASED UPON	CLK
	THE DEFENSE OF ENTRAPMENT	CLK
52 03/04/22	ORDER	CLK EWA
	EX PARTE RE:EXTRAORDINARY FEES	CLK
53 03/16/22	TRANSCRIPT OF EXCERPT OF	CLK LKW
	TESTIMONY- "DAN" - HEARD ON	CLK
	MONDAY, FEBRUARY 28,2022	CLK
	TRANSCRIBED BY THERESA'S	CLK
	TRANSCRIPTION SERVICE	CLK
54 07/19/22	PROOF OF SERVICE FILED	CLK CKR
	PEOPLE'S MOTION IN LIMINE &	CLK
	BRIEF	CLK
	MEMORANDUM OF LAW	CLK
	MOTION IN LIMINE TO PRECLUDE	CLK
	MOTION FOR SPECIAL JURY	CLK
	INSTRUCTIONA	CLK
55 07/20/22	MOTION FILED	CLK CKR
	PEOPLE'S MOTION IN LIMINE TO	CLK
	PRECLUDE ANY ATTEMPT BY DFTS	CLK
	TO ADMIT THEIR OWN HEARSAY	CLK
	STATEMENTS	CLK
56	MOTION FILED	CLK CKR
	PEOPLE'S MOTION IN LIMINE RE:	CLK
	USE OF CO-CONSPIRATOR	CLK
	STATEMENTS AT TRIAL	CLK
	W/ BRIEF IN SUPPORT	CLK
57	MOTION FILED	CLK CKR
	PEOPLE'S MEMORANDUM OF LAW AS	CLK
	TO THE INADMISSABILITY OF	CLK
	QUESTIONING OF SPECIAL AGENT	CLK

	IMPOLA AT TRIAL AS TO	CLK
	UNADJUDICATED ALLEGATIONS OF	CLK
	PERJURY IN AN UNRELATED CASE	CLK
58	MOTION FILED	CLK CKR
	PEOPLE'S MOTION FOR SPECIAL	CLK
	JURY INSTRUCTION	CLK
	W/ BRIEF IN SUPPORT	CLK
59 07/26/22	MOTION FILED	CLK AYL
	RE: MOTION IN LIMINE TO	CLK
	PRECLUDE INADMISSABLE	CLK
	IMPEACHMENT EVIDENCE ABOUT FBI	CLK
	AGENTS	CLK
	PROOF OF SERVICE	CLK
60 08/05/22	REMOVE NEXT EVENT: 09/12/22 9:30 AM	CLK EWA
	JURY TRIAL	
	PER REQUEST OF AG DUE TO	CLK
	UNAVAILABILITY; JURY TRIAL	CLK
	RESET	CLK
61	NOTICE SENT FOR: 10/03/22 9:00 AM	CLK EWA
	JURY TRIAL	
	W/PROOF OF SERVICE	CLK
62	DFT'S RESPONSE TO THE PEOPLE'S	CLK AYL
	MOTION FOR SPECIAL JURY	CLK
	INSTRUCTIONS	CLK
	W/PROOF OF SERVICE	CLK
63	DFT'S RESPONSE TO THE PEOPLE'S	CLK AYL
	MOTION IN LIMINE AND BRIEF	CLK
	IN SUPPORT REGARDING USE OF	CLK
	CO-CONSPIRATOR STATEMENTS AT	CLK
	TRIAL	CLK
	W/PROOF OF SERVICE	CLK
64	DFT'S RESPONSE TO THE PEOPLE'S	CLK AYL
	MOTION TO PRECLUDE ANY ATTEMPT	CLK
	BY DFTS TO ADMIT THEIR OWN	CLK
	HEARSAY STATEMENTS	CLK
	W/PROOF OF SERVICE	CLK
65	DFT'S RESPONSE TO MEMORANDUM	CLK AYL
	OF LAW AS TO THE ADMISSIBILITY	CLK
	OF QUESTIONING OF SPECIAL	CLK
	AGENT IMPOLA AT TRIAL AS TO	CLK
	UNADJUDICATED ALLEGATIONS OF	CLK
	PERJURY IN AN UNRELATED CASE	CLK
	W/PROOF OF SERVICE	CLK
66 08/08/22	REQUEST AND NOTICE FOR FILM &	CLK ALR
	ELECTRONIC MEDIA COVERAGE OF	CLK
	COURT PROCEEDINGS	CLK
67 08/09/22	MOTION HEARING	CRT EWA
	ATTY DODDAMANI, ATTY PALLAS	CRT
	AND ATTY ROLLSTIN FOR AG	CRT
	PRESENT; ATTY KIRKPATRICK FOR	CRT
	DFT PRESENT; DFT PRESENT;	CRT
	ARGUMENTS HEARD; COURT PLACES	CRT
	RULINGS ON RECORD; JURY TRIAL	CRT
	DATE REMAINS	CRT
68 08/18/22	REQUEST AND NOTICE FOR FILM	CLK CHO
	AND ELECTRONIC MEDIA COVERAGE	CLK
	OF COURT PROCEEDINGS ON	CLK

Case Number	Date	Action	Time	Page
69	09/02/22	OCTOBER 3, 2022 BY WILX MICHIGAN DEPT OF ATTORNEY GENERAL WITNESS LIST OF ENDORSED WITNESSES FOR TRIAL PROOF OF SERVICE	CLK CLK CLK CLK	MAL
70	09/07/22	PEOPLE'S DEMAND FOR DISCOVERY PROOF OF SERVICE	CLK CLK	MAL
71	09/12/22	REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS VANDUSSEN PRODUCTIONS	CLK CLK CLK CLK	GCO
76		REQUEST AND NOTICE FOR FILM & ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS - REQUESTED FOR 10/3/22-10/31/22/END OF TRIAL	CLK CLK CLK CLK CLK	ALR
72	09/14/22	THE PEOPLE'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF PRIOR VERDICT IN RELATED FEDERAL CASE. WITH PROOF OF SERVICE.	CLK CLK CLK CLK	TCA
73		SET NEXT DATE FOR: 09/15/22 11:30 AM MISCELLANEOUS HEARING	CLK	EWA
74	09/15/22	MISCELLANEOUS HEARING ATTYS DODDAMANI, PALLAS, AND ROLLSTIN FOR THE AG OFFICE VIA ZOOM; ATTY KIRKPATRICK FOR DFT PRESENT, DFT VIA ZOOM; MATTERS ADDRESSED AND RULINGS PLACED ON THE RECORD; ADDITIONAL COURT DATE IS SET FOR CONTINUATION AND FOR ANY FURTHER ISSUES TO BE ADDRESSED	CRT CRT CRT CRT CRT CRT CRT CRT	NEM
75		NOTICE SENT FOR: 09/27/22 10:30 AM MISCELLANEOUS HEARING W/PROOF OF SERVICE	CLK	NEM
77	09/20/22	REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS MLIVE	CLK CLK CLK	GCO
78		REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE IF COURT PROCEEDINGS MLIVE	CLK CLK	GCO
79		ORDER RE: DENYING ERIC VANDUSSEN'S MEDIA REQUEST	CLK CLK	EWA
80	09/22/22	MOTION FILED RECEIPT# 00436980 AMT \$20.00 ERIC VANDUSSEN FOR VANDUSSEN PRODUCTIONS EMERGENCY MOTION FOR RECONSIDERATION W/PROOF OF SERVICE	CLK CLK CLK CLK	CKR
81		ORDER DENYING ERIC VANDUSSEN'S MEDIA REQUEST (9/27 HEARING)	CLK CLK	EWA
82		MI DEPT OF ATTY GENERAL FIRST AMENDED WITNESS LIST OF ENDORSED WITNESSES FOR TRIAL	CLK CLK	MAL

OPEN
20-003171-FH JUDGE WILSON

CASE REGISTER OF ACTIONS
FILE 04/07/21

09/26/22 PAGE

83	09/23/22	PROOF OF SERVICE	CLK	
		WRIT OF HABEAS CORPUS	CLK	CKE
		DELIVER TO JUDGE WILSON'S	CLK	
		COURTROOM ON 10-10-2022 AT	CLK	
		9:30 AM RE:WITNESS TESTIMONY	CLK	
85		SET NEXT DATE FOR: 09/27/22 10:31 AM	CLK	EWA
		MOTION HEARING		
		RE:VANDUSSEN PRODUCTIONS	CLK	
		EMERGENCY MOTION FOR	CLK	
		RECONSIDERATION	CLK	
84	09/26/22	DEFENDANT'S RESPONSE TO THE	CLK	TCA
		PEOPLE'S MOTION IN LIMINE TO	CLK	
		EXCLUDE EVIDENCE OF PRIOR JURY	CLK	
		VERDICT IN RELATED FEDERAL	CLK	
		CASE AND BRIEF IN SUPPORT.	CLK	
		WITH PROOF OF SERVICE.	CLK	
.....		END OF SUMMARY	

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EXHIBIT 13

12 - May 25, 2021

32 - December 20, 2021 (DETROIT FREE PRESS - APPROVED)

38 - February 18, 2022

39 - February 22, 2022

42 - February 25, 2022

43 - February 25, 2022

46 - March 1, 2022

47 - March 1, 2022

66 - August 8, 2022

68 - August 18, 2022

71 - September 12, 2022 (VanDussen)

77 - September 20, 2022 (MLive)

79 - September 20, 2022 - ORDER RE: DENYING ERIC VANDUSSEN'S MEDIA REQUEST

80 - September 22, 2022 - MOTION FILED - ERIC VANDUSSEN FOR VANDUSSEN PRODUCTIONS
EMERGENCY MOTION FOR RECONSIDERATION

81 - September 22, 2022 - ORDER DENYING ERIC VANDUSSEN'S MEDIA REQUEST (9/27 HEARING)

85 - September 23, 2022 - SET NEXT DATE FOR: 09/27/22 10:31 AM

MOTION HEARING RE: VANDUSSEN PRODUCTIONS EMERGENCY MOTION FOR RECONSIDERATION

EXHIBIT 14



MICHIGAN SUPREME COURT

BRIDGET M. McCORMACK
CHIEF JUSTICE

MICHIGAN HALL OF JUSTICE
925 WEST OTTAWA STREET
LANSING, MICHIGAN 48915

September 24, 2019

The Honorable Henry C. Johnson
The Honorable Martha Roby
U.S. House Committee on the Judiciary
Subcommittee on Courts, Intellectual Property, and the Internet
2138 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

Dear Representatives:

Sunshine is a powerful thing, especially when it comes to revealing to the public how our government works. In the legislative and executive branches, sunshine leads to better public policy, informed by public input. In the judiciary, sunshine leads to better public understanding and increased trust in judicial decisions. That trust is the bedrock of our democracy; however, blocking broadcast media access to federal courts undermines public trust and thwarts the democratic process.

My view on opening the doors of federal courts to television coverage is simple: It's the public's court. They should be able to watch it work with as little difficulty as possible. My dad watches the Michigan Supreme Court online when we have oral argument; he should be able to do the same with U.S. Supreme Court and every other federal court.

Especially with federal courts of appeal and SCOTUS, people can't easily travel to where the court sits to see it work. But they have a real interest in the court's decisions as those decisions apply to them. Why shouldn't they see how it does business and be able to watch it in action? If you live in Michigan and there is a case being argued in the 6th Circuit the outcome of which will affect you, why should you have to travel to Cincinnati to watch the court conduct business?

More transparency is also important for procedural fairness. When people understand what the court is doing, and understand how it works and how it makes its decisions, and even understands why it makes those decisions, they are more likely to follow them. This openness builds confidence in the rule of law and encourages the public to participate in future proceedings and to follow the court's orders.

Opposition to broadcast media access relies on tired old maxims that have long been disproven by practice in courts nationwide who have embraced transparency and sunshine over closed doors and darkness. For example, some say TV cameras distract participants. In our courtroom, cameras are simply a fixture of proceedings, no more distracting than a podium or a chair but just as necessary. And some say TV diminishes the dignity of the courts. The opposite is true: blocking public access makes the public wonder what less than dignified things might be happening behind closed doors.

Nearly every state allows some form of camera coverage in the courtroom.¹ While some are more expansive than others, Michigan sets the standard in its court rule² which puts the burden on those who oppose a camera in the court to make a compelling case on the record as to why cameras should not be allowed. Such cases might include protecting the identity of a sexual assault victim.

In Michigan, the Supreme Court not only streams our proceedings in real time on our website and makes them available on a YouTube channel after the fact, we Tweet photos of oral arguments, encourage the public to watch, provide links to case summaries, and even provide definitions to obscure legal terms. The feedback from the public and the legal community is universally positive. Viewership is not substantial—maybe a few hundred for a noncontroversial case to a few thousand for cases of intense public interest – but the impact is substantial because the public is assured the sun is shining on the judicial branch. Even if they decide not to watch, they tell us they are grateful that we allow them to choose.

Sincerely,



Hon. Bridget Mary McCormack
Chief Justice

cc: Honorable Jerrold Nadler, Chair
Honorable Doug Collins, Ranking Member

¹ https://www.rtdna.org/content/cameras_in_court

² AO No. 1989-1—Film or Electronic Media Coverage of Court Proceedings

EXHIBIT 15

796 N.W.2d 255 (Mem)
Supreme Court of Michigan.

Eric L. VANDUSSEN, Plaintiff,
v.
COURT OF APPEALS, Defendant.

Docket No. 142950.

I
April 27, 2011.

Order

On order of the Court, the motion for immediate consideration is GRANTED. The complaint for superintending control is considered and, in lieu of granting relief at this time, we REMAND this case to the Court of Appeals to articulate the reason why “the fair administration of justice” warrants the denial of the plaintiff’s request *256 to film oral argument on May 10, 2011. Administrative Order 1989–1(2)(b).

We retain jurisdiction. On remand, the Court of Appeals shall issue an order on or before May 2, 2011, and shall immediately file a copy of that order with the Clerk of the Supreme Court.

All Citations

796 N.W.2d 255 (Mem)

End of Document

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EXHIBIT 16

Court of Appeals, State of Michigan

ORDER

Eric L. VanDussen v Court of Appeals

SC No. 142950

Joel P. Hoekstra
Presiding Judge

Christopher M. Murray

Michael J. Kelly
Judges

On remand, we are directed to "articulate the reason why 'the fair administration of justice' warrants the denial of the plaintiff's request to film oral argument on May 10, 2011," in the case of *People v Anderson*, Court of Appeals Docket No. 300641. *VanDussen v Court of Appeals*, __ Mich __ (Docket No. 142950, issued April 27, 2011). We begin by noting that the remand order assumes that we denied the request pursuant to Administrative Order 1989-1(2)(b). Up to this point, however, we have not issued a written order in response to plaintiff's request. Rather, as has been the practice of the Court of Appeals, because no appeals either "by right or by leave" are permitted pursuant to Administrative Order 1989-1(2)(d), plaintiff was notified verbally by the Court's District Clerk that his application was denied. In any event, the application in this case was originally denied because we concluded that, based upon the minimal material submitted, plaintiff was neither the "media" nor a "media agency" as defined by Administrative Order 1989-1(1)(b).

However, since the issuance of the remand order we requested plaintiff to submit information relative to our concern, and he has submitted fairly voluminous material indicating that he is a free-lance journalist whose work has appeared in several general news publications and on some mainstream electronic media outlets. Based on this detailed information, we conclude that plaintiff meets the definition of "media" as he falls within the phrase "any person...engaging in news gathering," and so his request to record oral argument is GRANTED in accordance with the rules provided in Administrative Order 1989-1.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

MAY - 2 2011

Date

Chief Clerk

EXHIBIT 17

STATE OF MICHIGAN
IN THE COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

Court of Appeals
No. 191052

-vs-

Circuit Court
No. 94-135924-FC

JASON ROBERT GRAVES,

Defendant-Appellant.

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APPELLEE'S BRIEF

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TABLE OF CONTENTS

	<u>PAGE</u>
INDEX TO AUTHORITIES CITED	iii
RESPONSE TO APPELLANT'S JURISDICTIONAL STATEMENT	vi
COUNTER-STATEMENT OF QUESTIONS PRESENTED	vii
COUNTER-STATEMENT OF FACTS	1
ARGUMENT:	
I. THE TRIAL JUDGE DID NOT CLEARLY ERR BY ALLOWING DEFENDANT GRAVES' STATEMENT TO DETECTIVE HARVEY TO BE ADMITTED INTO EVIDENCE AT TRIAL	15
A. <i>The Trial Judge Did Not Clearly Err in Failing to Suppress Defendant Graves' Confession Where Defendant Graves' Right to Remain Silent was Not Violated by the Police</i>	16
B. <i>The Trial Judge Did not Clearly Err in Failing to Suppress Defendant Graves' Confession Where his Right to Counsel was not Violated by the Police</i>	22
C. <i>The Trial Judge Did Not Clearly Err in Failing to Suppress Defendant Graves' Confession Where there was a Knowing, Voluntary, and Intelligent Waiver of Miranda Rights by Defendant Graves</i>	23
II. THE TRIAL JUDGE DID NOT ABUSE HIS DISCRETION IN THE MANNER IN WHICH HE CONDUCTED VOIR DIRE	26

III.	THE TRIAL JUDGE PROPERLY REFUSED TO INSTRUCT DEFENDANT GRAVES' JURY ON THE DEFENSE OF ACCIDENT	28
IV.	THE TRIAL JUDGE DID NOT ABUSE HIS DISCRETION IN ALLOWING TELEVISION CAMERAS TO BE PRESENT DURING DEFENDANT GRAVES' TRIAL	30
V.	THE TRIAL JUDGE DID NOT ABUSE HIS DISCRETION IN ALLOWING PHOTOGRAPHS OF DEFENDANT GRAVES AND DEFENDANT YORKS THAT HAD BEEN INTRODUCED INTO EVIDENCE AT TRIAL TO BE FILMED FOR BROADCAST ON TELEVISION. IN ANY CASE, ANY ERROR IN THIS REGARD WAS HARMLESS ON THE FACTS OF THIS CASE BECAUSE THE PHOTOGRAPH OF DEFENDANT GRAVES WAS NEVER BROADCAST	34
VI.	THE TRIAL JUDGE PROPERLY HANDLED DEFENDANT GRAVES' COMPLAINT REGARDING THE ACCURACY OF A TRANSCRIPT OF DEFENDANT GRAVES' STATEMENT TO THE POLICE	37
VII.	THE TRIAL JUDGE DID NOT ABUSE HIS DISCRETION IN ADMITTING TWO CRIME SCENE PHOTOGRAPHS INTO EVIDENCE	40
VIII.	DEFENDANT GRAVES SHOULD BE HELD TO HIS STIPULATION AT THE PRELIMINARY EXAMINATION THAT HIS STATEMENT TO DETECTIVE HARVEY WAS SUFFICIENT TO ESTABLISH PROBABLE CAUSE THAT HE COMMITTED THE OFFENSE OF FELONY MURDER FOR PURPOSES OF THE EXAMINATION. IN ANY CASE, THE TRIAL JUDGE PROPERLY DENIED DEFENDANT GRAVES' MOTION TO QUASH THE INFORMATION	44
IX.	THE TRIAL JUDGE PROPERLY DENIED DEFENDANT GRAVES' MOTION FOR DIRECTED VERDICT	47
	RELIEF	50

COUNTER-STATEMENT OF QUESTIONS PRESENTED

I. WHETHER THE TRIAL JUDGE DID NOT CLEARLY ERR BY ALLOWING DEFENDANT GRAVES' STATEMENT TO DETECTIVE HARVEY TO BE ADMITTED INTO EVIDENCE AT TRIAL?

Defendant contends the answer should be, "no. "

The People contend the answer is, "yes. "

II. WHETHER THE TRIAL JUDGE DID NOT ABUSE HIS DISCRETION IN THE MANNER IN WHICH HE CONDUCTED VOIR DIRE

Defendant contends the answer should be, "no. "

The People contend the answer is, "yes. "

III. WHETHER THE TRIAL JUDGE PROPERLY REFUSED TO INSTRUCT DEFENDANT GRAVES' JURY ON THE DEFENSE OF ACCIDENT?

Defendant contends the answer should be, "no. "

The People contend the answer is, "yes. "

IV. WHETHER THE TRIAL JUDGE DID NOT ABUSE HIS DISCRETION IN ALLOWING TELEVISION CAMERAS TO BE PRESENT DURING DEFENDANT GRAVES' TRIAL?

Defendant contends the answer should be, "no. "

The People contend the answer is, "yes. "

V. WHETHER THE TRIAL JUDGE DID NOT ABUSE HIS DISCRETION IN ALLOWING PHOTOGRAPHS OF DEFENDANT GRAVES AND DEFENDANT YORKS THAT HAD BEEN INTRODUCED INTO EVIDENCE AT TRIAL TO BE FILMED FOR BROADCAST ON TELEVISION AND WHETHER, IN ANY CASE, ANY ERROR IN THIS REGARD WAS HARMLESS ON THE FACTS OF THIS CASE BECAUSE THE PHOTOGRAPH OF DEFENDANT GRAVES WAS NEVER BROADCAST?

Defendant contends the answer should be, "no. "

The People contend the answer is, "yes. "

VI. WHETHER THE TRIAL JUDGE PROPERLY HANDLED DEFENDANT GRAVES' COMPLAINT REGARDING THE ACCURACY OF A TRANSCRIPT OF DEFENDANT GRAVES' STATEMENT TO THE POLICE?

Defendant contends the answer should be, "no. "

The People contend the answer is, "yes. "

VII. WHETHER THE TRIAL JUDGE DID NOT ABUSE HIS DISCRETION IN ADMITTING TWO CRIME SCENE PHOTOGRAPHS INTO EVIDENCE?

Defendant contends the answer should be, "no. "

The People contend the answer is, "yes. "

VIII. WHETHER DEFENDANT GRAVES SHOULD BE HELD TO HIS STIPULATION AT THE PRELIMINARY EXAMINATION THAT HIS STATEMENT TO DETECTIVE HARVEY WAS SUFFICIENT TO ESTABLISH PROBABLE CAUSE THAT HE COMMITTED THE OFFENSE OF FELONY MURDER FOR PURPOSES OF THE EXAMINATION AND WHETHER, IN ANY CASE, THE TRIAL JUDGE PROPERLY DENIED DEFENDANT GRAVES' MOTION TO QUASH THE INFORMATION?

Defendant contends the answer should be, "no. "

The People contend the answer is, "yes. "

IX. WHETHER THE TRIAL JUDGE PROPERLY DENIED DEFENDANT GRAVES' MOTION FOR DIRECTED VERDICT?

Defendant contends the answer should be, "no. "

The People contend the answer is, "yes. "

aware that Steven Jones might die and that any actions he did to assist Defendant Yorks were, in fact, contributing to Jones' death.

In sum, Judge Mester properly refused to instruct Defendant Graves' jury on the defense of accident.

IV. THE TRIAL JUDGE DID NOT ABUSE HIS DISCRETION IN ALLOWING TELEVISION CAMERAS TO BE PRESENT DURING DEFENDANT GRAVES' TRIAL.

In his next claim in his brief on appeal, Defendant Graves argues that he "was denied his constitutional right to a fair and impartial trial when the media was allowed to videotape the proceedings for television broadcast when the Defendants, their families, and the jurors objected to the presence of the video camera in the courtroom." (Defendant-Appellant's Brief, 27.) The People respectfully submit that this claim is without merit.

Standard of Review:

Defendant's standard of review for this issue is incomplete and incorrect. Administrative Order 1989-1 states that it is within the discretion of the trial judge to allow electronic media coverage of a case.

Discussion:

During voir dire of Defendant Graves' jury, one of the potential jurors indicated that he was concerned that "this trial will probably become very public and I don't want to be public." (T, 89.) Judge Mester responded that the media did not know his name and added the following:

That if there -- and we've already been contacted by all the media in the area. If there are -- I permit their cameras to come in here, they cannot show the jury. That is prohibited, prohibited by the Supreme Court of the State of Michigan because you did not

volunteer to be here, you were brought here as being a citizen and asked to serve on a jury. So we try to keep you as incognito as possible.

(T, 90.)

Judge Mester then indicated that he would not allow the jurors in this case to be contacted by the media as had occurred in the O.J. Simpson case. (T, 90.)

During voir dire for Defendant Yorks' jury, Judge Mester made the following statement to the potential jurors:

One thing I do want to bring to your attention. We have been contacted by the media all over the place regarding this case and the Court has to make some determination as to -- to what extent the Court will permit them into the courtroom. If the Court decides to let any media into the Courtroom, you should understand that the media cannot photograph, cannot televise any juror, cannot refer to any juror by name, and therefore, *if they appear in the Courtroom, their cameras will be focused solely on the witness stand and if I let them in the Courtroom, they'll be placed in a very inconspicuous position in the Courtroom so it'll not distract you or from this Court or the parties or the attorneys in this case. That's the decision the Court will have to make. They will not disrupt this case, they will not keep this case from being concluded within the two and a half weeks as I've committed myself to insure that it's completed, and you should all understand that.*

(Transcript 9-7-95, hereinafter T II, 63.)

After juries had been picked for both Defendant Graves and Defendant Yorks, Judge Mester, in the presence of both juries, indicated that the Defendant Graves' jury had indicated that they preferred that no cameras be allowed in courtroom. The following colloquy then occurred on the record:

THE COURT: . . . Now the Graves jury has indicated that they prefer no cameras in the Courtroom, is that correct, is that the position that somebody has taken on that?

[A JUROR]: It's a position I brought up. We never officially polled each other, but since we --

THE COURT: Yeah. As I indicated to you earlier, it's clearly the discretion of the Court. The -- if cameras are permitted, they are not to take any pictures of any jurors, they are to be focused solely on the witness stand, and they would be inconspicuous to the jury, but I -- I will take into consideration that feeling you may have and I suspect several other jurors may have as well.

(T II, 158.)

After the juries had been taken out of the courtroom, the attorney for Defendant Yorks stated that he objected to the presence of the media in the courtroom. (T II, 168.) The attorney for Defendant Graves joined in this objection. (T II, 168.) Judge Mester responded to the objections as follows:

Fine, thank you. I'll take that into consideration and if there is media, we will minimize it as much as possible and ask that the media be respectful of the victim's family as well as each Defendant's family.

(T II, 168.)

The next day, one of the jurors, during the opening statement to the jury by Defendant Graves' attorney, asked Judge Mester, "Your Honor, is the camera focusing over here?" (T III, 45.) Judge Mester replied, "It is not focused on you." (T III, 45.) The juror stated, "[o]kay" and Judge Mester stated that, "[t]hey cannot take -- and that's what I indicated to all of you earlier. It will not be a part of the jury box." (T III, 45.)

There appears to be no further references to the presence of cameras in the courtroom for the remainder of the trial. In fact, in his brief, Defendant Graves concedes that the cameras were only present for the first few days of the trial. (Defendant-Appellant's Brief, 29.)

Administrative Order 1989-1 permits film or electronic media coverage in all Michigan courtrooms as of March 1, 1989. Pursuant to subsection 2(b) of that order:

A judge may terminate, suspend, limit, or exclude film or electronic

media coverage at any time upon a finding, made and articulated on the record in the exercise of discretion, that the fair administration of justice requires such action, or that rules established under this order or additional rules imposed by the judge have been violated. The judge has sole discretion to exclude coverage of certain witnesses, and their families, police informants, undercover agents, and relocated witnesses.

In Chandler v Florida, 449 US 560; 101 S Ct 802; 66 L Ed 2d 740 (1981), the United States Supreme Court addressed the question of whether a trial judge could, over the objection of a criminal defendant, allow electronic media coverage of a trial, including television coverage. The Court held that a trial judge could allow such coverage over the objection a defendant, but noted:

[A] defendant has the right on review to show that the media's coverage of the his case—printed or broadcast—compromised the ability of the jury to judge him fairly. Alternatively, a defendant might show that broadcast coverage of his particular case had an adverse impact on the trial participants sufficient to constitute a denial of due process.

101 S Ct at 813.

Defendant Graves has cited nothing to show that the cameras in the courtroom for a portion of the trial in this case compromised the ability of the jury to judge him fairly. His citation to the expression of concern of some of the jurors on the Graves jury and a concern by one juror that a television camera was pointed in the direction of the jury during opening statements does not even come close to showing an inability to fairly judge on the part of any or all of the jurors.

Defendant Graves states that “[t]he jury was so focused on the presence of the media and their concern that they would be filmed . . . that they paid intense attention to the media camera.” (Defendant-Appellant’s Brief, 29.) However, such “intense attention” is not evident from the record of this case. If Defendant Graves felt that the jury was not paying attention to the evidence because of the media presence, it was incumbent upon him to request a hearing on the matter so that a record

could be made for appellate purposes.

Finally, the People would point out that, while the media's potential presence at the trial came up during the voir dire process, it was not a subject that necessitated lengthy discussions or questioning. Moreover, as already noted, after opening statements, there were no further references by anyone to the presence of television cameras in the courtroom.

In sum, Judge Mester did not abuse his discretion in allowing television cameras to be present during the trial in this case.

V. THE TRIAL JUDGE DID NOT ABUSE HIS DISCRETION IN ALLOWING PHOTOGRAPHS OF DEFENDANT GRAVES AND DEFENDANT YORKS THAT HAD BEEN INTRODUCED INTO EVIDENCE AT TRIAL TO BE FILMED FOR BROADCAST ON TELEVISION. IN ANY CASE, ANY ERROR IN THIS REGARD WAS HARMLESS ON THE FACTS OF THIS CASE BECAUSE THE PHOTOGRAPH OF DEFENDANT GRAVES WAS NEVER BROADCAST.

In his next claim in his brief on appeal, Defendant Graves claims that his right to a fair trial when Judge Mester allowed "the media to video tape trial exhibits for broadcast without notice or an opportunity to be heard for objection to such publication." (Defendant-Appellant's Brief, 29.) The People respectfully submit that this claim is without merit.

Standard of Review:

Defendant appears to be asserting in his brief on appeal that the decision to allow the media access to exhibits introduced at trial is reviewed for an abuse of discretion. The People agree with this standard of review.

Discussion:

During trial, the attorney for Defendant Graves indicated on the record (outside of the

presence of the jury) that two (2) cameramen had taken photographs of Defendant Graves and Defendant Yorks and filmed them. (T IV, 10.) He added that a photograph was shown on Channel Two's Ten O'Clock News that evening. (T IV, 12.) He indicated that they he was concerned about the impact that the broadcast of the photograph. (T IV, 12.) Judge Mester responded as follows:

... Mr. Vince Wade did approach the Court as to whether or not these items were a matter of public record now that they were a part of the exhibits in this case, and the Court had indicated that as far as the Court was concerned they were; that they had wanted simply the pictures of the two individuals, Mr. Yorks and Mr. Graves. I did not object to that.

(T IV, 11.)

The assistant prosecutor then placed the following statement on the record regarding the exhibits at issue:

I just want to clarify for the record for -- and this is definitely for the record, that the photographs that I think were being used were Exhibits 5, 6, and 7 and these were the exhibits that had already been published to the jury during the course of trial on Friday. I -- I asked for permission and was given permission to show these photos to the jury, so the jury had seen these photos prior to the camera's filming the. I just want that to be made clear for the record. That's not something that the jury hadn't already seen.

(T IV, 11-12.)

In a colloquy that followed between Judge Mester and Defendant Graves' attorney, it was revealed that the television news program at issue (Channel 2's Ten O'Clock News) had only broadcast the photograph of Defendant Yorks, not the photograph of Defendant Graves, who was only mentioned by name during the newscast. (T IV, 13.) Judge Mester concluded the discussion by indicating that he would keep the concern of the defense attorneys about trial exhibits in mind. (T IV, 14.) No further remedial actions was requested by either the attorney for Defendant Graves or the attorney for Defendant Yorks.

The United States Supreme Court has recognized that there is a common law right to inspect and copy judicial records and documents. Nixon v Warner Communications, 435 US 589; 98 S Ct 1306; 55 L Ed 2d 570 (1978). However, this right is not absolute and a court may exercise supervisory control over materials in its custody. 98 S Ct at 1312. It is within the discretion of a trial judge to allow the media access to exhibits introduced into evidence at trial. In re People v Atkins, 444 Mich 737, 739 (1994), quoting from United States v Beckham, 789 F2d 401, 409 (CA 6, 1986).

The People contend that Judge Mester did not abuse his discretion in allowing photographs of Defendants Graves and Yorks, which had been admitted at trial as exhibits, to be filmed by the media for broadcast on television. The People would point out that the exhibits had already been shown to the jury and there was, thus, no danger that either Defendant's right to a fair trial would be prejudiced even if the jurors had accidentally seen the photographs broadcast on television.

Defendant Graves complains that Judge Mester should have provided a "forum for discussion and/or objection" prior to allowing the media access to the exhibits. (Defendant-Appellant's Brief, 32.) However, he does not assert how such a "forum" would have altered Judge Mester's decision to allow the media access to the photographic exhibits. Moreover, his objection to the media's access to the exhibits was, nonetheless, placed on the record and preserved for appellate review.

In any case, any error made by Judge Mester in this regard would be harmless on the facts of this case. The photograph of Defendant Graves was not broadcast. Moreover, Defendant Graves has failed to show that he suffered any prejudice to his right to a fair trial by the fact that his name was mentioned during the same television news report in which the photograph of Defendant Yorks was broadcast. The People would again note that the jurors had already seen the photograph of

Defendant Yorks and were, in any case, admonished repeatedly to not watch any television news coverage of the case or read any newspaper accounts of the case.

In sum, Judge Mester did not abuse his discretion in allowing photographs of Defendant Graves and Defendant Yorks that had been introduced into evidence at trial to be filmed for broadcast on television. In any case, any error in this regard was harmless on the facts of this case because the photograph of Defendant Graves was never broadcast.

VI. THE TRIAL JUDGE PROPERLY HANDLED DEFENDANT GRAVES' COMPLAINT REGARDING THE ACCURACY OF A TRANSCRIPT OF DEFENDANT GRAVES' STATEMENT TO THE POLICE.

In his next claim in his brief on appeal, Defendant Graves argues as follows concerning the manner in which Judge Mester handled his complaint concerning the accuracy of the transcript of Defendant Graves' statement to Detective Harvey:

The trial court abused its discretion in allowing the jury to have a transcript of the audio tape of Jason's statement while they listened to the tape when counsel objected to the accuracy of the transcript and the accuracy of the transcript was not established by any degree of certainty.

(Defendant-Appellant's Brief, 32.)

The People respectfully submit that this claim is without merit.

Standard of Review:

The People concede that the standard of review for this issue cited in Defendant's brief is correct. The question of whether evidence is properly admitted is reviewed for an abuse of discretion. People v Crump, 216 Mich App 210, 211 (1996), lv den ___ Mich ___ (1997).

RELIEF

WHEREFORE, David G. Gorcyca, Prosecuting Attorney in and for the County of Oakland,
by John S. Pallas, Assistant Prosecuting Attorney, respectfully requests that this Honorable Court
affirm Defendant's conviction and sentence in the Oakland County Circuit Court.

Respectfully submitted,

DAVID G. GORCYCA
PROSECUTING ATTORNEY
OAKLAND COUNTY

RICHARD H. BROWNE
INTERIM CHIEF, APPELLATE DIVISION

By:



JOHN S. PALLAS (P42512)
Assistant Prosecuting Attorney

DATED: April 9, 1997

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EXHIBIT 18

1999 WL 33451697

Only the Westlaw citation is currently available.

UNPUBLISHED OPINION. CHECK COURT RULES BEFORE CITING.

Court of Appeals of Michigan.

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,

v.

Jason R. GRAVES, Defendant-Appellant.

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,

v.

David L. YORKS, Defendant-Appellant.

No. 191052, 191054.

|

March 30, 1999.

Before: MacKENZIE, P.J., and WHITE and SMOLENSKI, JJ.

Opinion

PER CURIAM.

*1 Defendants Jason Graves and David Yorks were each convicted of one count of first-degree premeditated murder, [M.C.L. § 750.316\(1\)\(a\)](#); MSA 28.548(1)(a), and one count of first-degree felony murder, [M.C.L. § 750.316\(1\)\(b\)](#); MSA 28.548(1)(b). The trial court vacated each defendant's conviction of premeditated murder and sentenced each defendant to the mandatory term of life in prison without parole for the felony murder conviction. After each defendant appealed as of right, this Court consolidated the appeals. We now affirm.

Defendants convictions arise out of the murder of a teenage boy during the course of a robbery of the boy's home.

Defendant Graves

Defendant Graves initially raises several grounds for his argument that the trial court erred in denying his motion to suppress the inculpatory statement he gave at the sheriff's department. Specifically, Graves first contends that his statement should have been suppressed because it was obtained when the police impermissibly reinitiated questioning at the sheriff's department after he had already invoked his privilege against self-incrimination at the scene of the crime.

The admissibility of statements obtained after a defendant has asserted the privilege against self-incrimination turns on whether, under the particular facts of the case, the police scrupulously honored the defendant's assertion of the right to cut off questioning. [People v. Slocum \(On Remand\)](#), 219 Mich.App 695; 558 NW2d 4 (1996).

In this case, the evidence admitted at the suppression hearing reveals that when Graves invoked his privilege against self incrimination at the scene of the crime the officer who was attempting to question Graves immediately discontinued the attempted questioning. A substantial period of time (over two hours) thereafter elapsed before a different officer reinitiated

questioning at the sheriff's department during which time no efforts were made by the police to wear down Graves' resistance and make him change his mind. *Id.* at 698-700, 705. Between the time that Graves invoked his right against self incrimination at the scene of the crime and the police reinitiated questioning at the sheriff's department, significant new information (an inculpatory statement by York) became available to the police. Cf. *id.* at 705, n 3. And, the second officer who reinitiated questioning gave Graves a fresh set of warnings. Cf. *id.* at 700. We thus conclude that the totality of the circumstances indicates that the police "scrupulously honored" Graves' assertion of the "right to cut off questioning." *Id.* at 705. Accordingly, the trial court did not err in refusing to suppress Graves' statement on this ground.

Next, Graves contends that his inculpatory statement should have been suppressed because he invoked his right to counsel during questioning at the sheriff's department. However, we agree with the trial court that Graves did not invoke his right to counsel during questioning. The transcript of Graves' taped statement reveals that he was then willing to talk to the officer without an attorney and that he simply wanted to make sure that he was not waiving his right to have counsel present at some future time.¹ Cf. *People v. Granderson*, 212 Mich.App 673, 676; 538 NW2d 471 (1995). Moreover, even if Graves' statements could be construed as an ambiguous request for an attorney, the officer was not required to refrain from questioning Graves and his subsequent inculpatory statement was properly admitted. *Id.* at 677-678.

*2 Finally, Graves argues that his inculpatory statement should have been suppressed because he did not knowingly and intelligently waive his rights. Specifically, Graves contends that the record shows that he did not understand that by answering the officer's questions he was waiving his right to an attorney. Graves also contends that he was too intoxicated to waive his rights.

Statements given in response to custodial interrogation are not admissible unless the defendant was first given the warnings required by *Miranda v. Arizona*, 384 U.S. 436; 86 S Ct 1602; 16 L.Ed.2d 694 (1966), and the defendant then voluntarily, knowingly and intelligently waived the privilege against self incrimination. *Id.* at 444, 468-475; *People v. Howard*, 226 Mich.App 528, 538; 575 NW2d 16 (1997). Whether the waiver was voluntary and whether it was knowing and intelligent are two separate questions. *Colorado v. Spring*, 479 U.S. 564, 573; 107 S Ct 851; 93 L.Ed.2d 954 (1987); *Howard*, *supra*. A waiver will be found to be knowing and intelligent if the defendant understood both the "basic privilege guaranteed by the Fifth Amendment," i.e., that he could remain silent and consult with counsel, and the consequences of the decision to abandon the privilege and speak freely to the police, i.e., that anything he said could be used against him. See *Spring*, *supra* at 573-575; *People v. Cheatham*, 453 Mich. 1, 28-29 (Brickley, C.J., and Riley, J.), 44 (Weaver, concurring); 551 NW2d 355 (1996); *People v. Garwood*, 205 Mich.App 553, 558; 517 NW2d 843 (1994). The question whether a defendant validly waived his *Miranda* rights depends in each case on the totality of the circumstances surrounding the interrogation. *Cheatham*, *supra* at 27 (Boyle, J., with Brickley, C.J., and Riley, J.), 44 (Weaver, concurring). Although this Court engages in de novo review of the entire record, we will defer to a trial court's factual findings concerning the issue of waiver unless that ruling is clearly erroneous. *Id.* at 29-30 (Boyle, J., with Brickley, C.J., and Riley, J., concurring), 44 (Weaver, concurring).

In this case, the trial court found that Graves was not intoxicated at the time he waived his *Miranda* rights. After reviewing the record, including the testimony of all the police officers who came into contact with Graves both at the scene of the crime and at the sheriff's department, we conclude that the trial court's finding in this regard is not clearly erroneous. The transcript of Graves' taped statement indicates that Harvey did not have any trouble communicating with Graves and that Graves provided appropriate responses to Harvey's questions. The transcript shows that the officer read the advice-of-rights form to Graves and then had Graves himself read the form. Although he refused to sign the form, Graves expressly indicated that he understood the form, that he was willing to then talk to the officer without an attorney and that he just did not want to waive his right to have an attorney present during questioning at some future time. As noted by the trial court, "at no time did [Graves] demonstrate any lack of understanding" Accordingly, on this record, we conclude that the trial court correctly determined that Graves knowingly and intelligently waived his *Miranda* rights.

*3 In summary, we conclude that the trial court correctly refused to suppress Graves' inculpatory statement.

Next, Graves argues that the trial court's refusal to allow defense counsel to conduct voir dire prevented sufficient facts from being elicited during voir dire upon which to challenge the prospective jurors ability to serve impartially in this high profile case. In making this argument, Graves relies on the plurality opinions of Justice Mallett and Justice Levin in *People v. Tyburski*, 445 Mich. 606; 518 NW2d 441 (1994). However, even Justice Mallett's plurality opinion in *Tyburski* recognizes that the scope and conduct of voir dire is within the trial court's discretion and that a defendant does not have a right to have counsel conduct voir dire. *Id.* at 619 (Mallett, J., with Cavanagh, C.J., and Levin, J.). Our review of the record in this case reveals that during voir dire the trial court asked questions propounded by counsel and conducted individual and sequestered voir dire. The trial court allowed counsel to ask questions during sequestered voir dire. The trial court's questions concerning pretrial publicity were sufficiently probing to reveal a factual basis to challenge the potential jurors. The trial court did not rely on the potential jurors' own assessment of whether they could be fair and impartial. Rather, the trial court questioned the potential jurors at length to allow the court to reach its own conclusions concerning bias resulting from pretrial publicity. Accordingly, we conclude that the trial court did not abuse its discretion in the manner in which it conducted voir dire. See, generally, *Tyburski*, *supra*. We likewise find no merit to Graves' suggestion that the venire was tainted by certain prejudicial answers relating to the pretrial publicity in this case. *People v. Bell*, 209 Mich.App 273, 277-278; 530 NW2d 167 (1995).

Next, Graves argues that the trial court erred in refusing to give CJI2d 7.2 (Murder: Defense of Accident [Not Knowing Consequences of Act]). A trial court is required to give a requested instruction except when the theory is not supported by the evidence. *People v. Mills*, 450 Mich. 61, 81; 537 NW2d 909, modified and remanded 450 Mich. 1212 (1995). Graves contends that there was evidence admitted at trial that supported his requested instruction on the theory of accident. However, in support of this argument, Graves provides this Court with only three citations to record evidence. Specifically, Graves cites to the evidence of his statement in which he admitted giving Yorks a straight, white-handled, sharp object that was "like a knife." Graves also cites to the testimony of a witness that at some point during the incident he heard a voice, allegedly Graves' voice, say "If you don't stop you're going to kill him." However, rather than finding that this evidence supports the defense of accident, we agree with the prosecution that this evidence indicates that there was nothing accidental about the boy's death and that Graves was aware that the boy would probably die or suffer great bodily harm. See CJI2d 7.2. Graves also cites to the testimony of the same witness that at some point during the incident it sounded like there were a lot of people in the boy's home because there was a lot of running around upstairs and downstairs. However, we fail to understand how this testimony provides evidence for the defense of accident. Accordingly, we conclude that the trial court correctly denied Graves' requested instruction on the defense of accident.

*4 Next, Graves contends that he was denied his right to a fair trial where the media was allowed to videotape the trial proceedings for television broadcast over the objections of defendants, their families and the jury. However, whether the media shall be allowed in the courtroom does not depend on the lack of an objection by defendants, their families or the jury. Rather, media coverage in the courtroom is controlled by AO 1989-1, which provides that film or electronic media coverage shall be allowed upon request in all court proceedings unless the trial court finds in the exercise of discretion that the fair administration of justice requires otherwise. See 432 Mich. cxii. On review, a defendant must show that his right to a fair trial was prejudiced by the presence of the media. *Chandler v. Florida*, 449 U.S. 560, 581-581; 101 S Ct 802; 66 L.Ed.2d 740 (1981). For instance, a defendant could establish prejudice by showing "that the presence of cameras impaired the ability of the jurors to decide the case on only the evidence before them or that the [] trial was affected adversely by the impact on any of the participants of the presence of cameras and the prospect of broadcast." *Id.* at 581.

In this case, defendant contends that he was prejudiced because the jury was so focused on the cameras that it was unable to focus on the trial and the presentation of the evidence. However, in support of this contention, defendant notes only that on the second day of trial, a juror expressed a concern about cameras in the courtroom. The trial court responded to this concern by stating that the cameras "are not to take pictures of any jurors, they are to be focused solely on the witness stand, and they would be inconspicuous to the jury" The court also instructed the jury to be careful concerning the news programs they watched and to allow family members to peruse the newspaper first. Defendant also notes that on the third day of trial, another juror interrupted defense counsel's opening statement to inquire whether the camera was focusing on the jury. The court again explained that the cameras were not, and would not, be focused on the jury. Although the interruption of counsel's opening

statement was somewhat unusual, the incidents relied on by defendant to establish prejudice were isolated, minor, brief and appropriately handled by the trial court. Moreover, defendant has failed to show that the cameras posed a problem once the actual evidentiary portion of the trial commenced. Accordingly we conclude that defendant has failed to establish that the presence of cameras in the courtroom denied him a fair trial.

Next, Graves contends that he was denied a fair trial where the court allowed members of the media to remove exhibits (photographs of each defendant) from the prosecution table, tape these exhibits to the swinging door of the jury box, and film these exhibits for television broadcast. However, the jury was not present in courtroom when this occurred. Although it appears that Yorks' photograph was broadcast, there is no indication that Graves' photograph was actually broadcast. Finally, defendant does not allege that any juror violated the court's instructions and saw any such broadcast. Accordingly, we find no abuse of discretion by the trial court, *In re People v. Atkins*, 444 Mich. 737, 739; 514 NW2d 148 (1994), or denial of the right to a fair trial on this ground.

*5 Next, Graves contends that the trial court abused its discretion in allowing the jury to have a copy of the transcript of the audio tape of Graves' statement while it listened to this tape where the accuracy of the transcript was never established to any degree of certainty. We make clear that under the circumstances of this case we do not necessarily disapprove of the manner in which the trial court handled defense counsel's objection to the accuracy of the transcript, made as it was on the eleventh day of trial. Rather, we assume for purposes of analysis only that the trial court's handling of this issue did not comply with the procedures set forth in *People v. Lester*, 172 Mich.App 769, 776; 432 NW2d 433 (1988) (requiring a trial court to independently ensure the accuracy of a transcript of a tape recording in the absence of a stipulation). However, even assuming such preserved nonconstitutional error, we note that defense counsel conceded below that he had studied the tape for a great period of time and that except for the nine or ten inaccuracies in the transcript that he identified and that were corrected before the transcript was given to the jury he could not specifically identify any other inaccuracies in the transcript. Even on appeal, defendant fails to specify any further inaccuracies in the transcript that were not corrected below. Most significantly, the jury listened to the actual tape while it followed along with the transcript. Thus, on this record, we are satisfied that it is highly probable that any preserved nonconstitutional error by the court did not affect the verdict. *People v. Graves*, 458 Mich. 476, 487; 581 NW2d 229 (1998).

We briefly address Graves' remaining issues. In deciding to admit certain photographs, the trial court conducted the appropriate evidentiary analysis. We find no error. See, generally, *Mills*, *supra*. At the preliminary examination, Graves stipulated that his statement supplied enough factual detail to support a finding of probable cause with respect to the charge of felony murder. The subsequent suppression hearing focused only on the admissibility of this statement. Thus, we conclude that the trial court did not err in denying Graves' motion to quash. *People v. Northey*, 231 Mich.App 568, 574; ___ NW2d ___ (1998). Finally, viewing the evidence in the record at the time Graves moved for a directed verdict in a light most favorable to the prosecution, we conclude that there was sufficient evidence from which a rational trier of fact could have found that Graves, either as a principal or as an aider and abettor, was guilty beyond a reasonable doubt of the crimes of first-degree premeditated murder and first-degree felony murder. *People v. Marsack*, 231 Mich.App 364, 370-371; 586 NW2d 234 (1998); *People v. Turner*, 213 Mich.App 558, 566-568; 540 NW2d 728 (1995). Thus, the trial court did not err in denying Graves' motion for a directed verdict. *People v. Lemmon*, 456 Mich. 625, 633-634; 576 NW2d 129 (1998).

*6 In summary, in docket number 191052, we affirm.

Defendant Yorks

Yorks first argues that the trial court erred in failing to suppress statements he made at the scene of the crime and the sheriff's department. Yorks contends that these statements should have been suppressed because he was too intoxicated at the time he made these statements to have voluntarily, knowingly and intelligently waived his *Miranda* rights.

We have previously stated the law in this opinion concerning the issue whether a defendant knowingly and intelligently waived his *Miranda* rights. The determination whether a defendant's waiver was voluntary in the *Miranda* context is the same as the determination whether a defendant's statement itself was voluntary in the Fourteenth Amendment confession context. *Colorado v. Connelly*, 479 U.S. 157, 169-170; 107 S Ct 515; 93 L.Ed.2d 473 (1986). Whether a defendant's statement was involuntary in the Fourteenth Amendment confession context depends on the totality of the circumstances. *Culombe v. Connecticut*, 367 U.S. 568, 602; 81 S Ct 1860; 6 L.Ed.2d 1037 (1961); see also *People v. Sexton*, 458 Mich. 43, 67-68; 580 NW2d 404 (1998) (citing *People v. Cipriano*, 431 Mich. 315, 334; 429 NW2d 781 [1988]). In *Cipriano*, *supra*, our Supreme Court, citing *Culombe*, enumerated a number of factors that may be considered in determining whether a defendant's statement was involuntary:

In determining whether a statement is voluntary, the trial court should consider, among other things, the following factors: the age of the accused; his lack of education or his intelligence level; the extent of his previous experience with the police; the repeated and prolonged nature of the questioning; the length of the detention of the accused before he gave the statement in question; the lack of any advice to the accused of his constitutional rights; whether there was an unnecessary delay in bringing him before a magistrate before he gave the confession; whether the accused was injured, intoxicated or drugged, or in ill health when he gave the statement; whether the accused was deprived of food, sleep, or medical attention; whether the accused was physically abused; and whether the suspect was threatened with abuse.

However, above all else, "coercive police activity is a necessary predicate to the finding that a confession is not 'voluntary' within the meaning of the Due Process Clause of the Fourteenth Amendment." *Connelly*, *supra* at 167. The fact that a defendant has a deficiency will not render a statement involuntary within the meaning of due process unless the deficiency is exploited by the police with coercive tactics. *Id.* at 165-167; see also *People v. Fike*, 228 Mich.App 178, 182; 577 NW2d 903 (1998).

The voluntariness of a statement is a question for the trial court. *Sexton*, *supra* at 68. An appellate court must give deference to a trial court's factual findings at a suppression hearing and will not reverse such findings unless they are clearly erroneous. *Arizona v. Fulminante*, 499 U.S. 279, 287; 111 S Ct 1246; 113 L.Ed.2d 302 (1991); *Cheatham*, *supra* at 30 (Boyle, J., with Brickley, C.J., and Riley, J., concurring), 44 (Weaver, concurring); *Howard*, *supra* at 543. However, because the ultimate issue of voluntariness is a legal question, an appellate court must nevertheless examine the entire record and make an independent determination of voluntariness. *Fulminante*, *supra*; *Sexton*, *supra*; *Howard*, *supra*.

*7 In this case, the trial court found that Yorks was not intoxicated. After reviewing the record, including the testimony of all the police officers who observed Yorks that morning, whom the trial court found credible, we conclude that the trial court's finding in this regard was not clearly erroneous. Where there was no intoxication for the police to exploit and where Yorks does not allege any other coercive conduct by the police, we conclude that the trial court correctly determined that Yorks voluntarily waived his *Miranda* rights. We note also that Yorks was given his *Miranda* rights several times and indicated several times that he understood his rights. There is likewise no indication that Yorks had any trouble communicating with any of the officers. We thus conclude that the trial court did not err in determining that Yorks knowingly and intelligently waived his *Miranda* rights. Accordingly, the trial court did not err in denying Yorks' motion to suppress.

Next, Yorks argues that his statements to the police should have been suppressed because the police failed to electronically record these statements, thereby denying him due process of law under the Michigan Constitution. However, this Court recently rejected this precise argument in *Fike*, *supra* at 183-186.

Finally, Yorks raises the same challenge to the manner in which the trial court conducted voir dire as that raised by Graves. For the reasons stated in our previous discussion of this issue, we reject Yorks' challenge in this regard.

In summary, in docket number 191054, we affirm.

All Citations

Not Reported in N.W.2d, 1999 WL 33451697

Footnotes

1 Specifically, the relevant portion of this transcript is as follows:

Officer Harvey: Time is 8:40 a.m. Date is October 16, 1994. Present are myself, detective sergeant Harvey, officer Spadafore of the Oxford Police Department and Jason Graves.

Jason, we've sat down and we've talked for a couple minutes and I've just explained to you what I do for a living and I told you I was going to set some parameters down, okay. One of those parameters being, that whatever I say here, whatever dealings I have with you, are going to be the truth. They will be nothing but the truth. They'll be no misleading. I'm not going to color, I'm not going to gloss things over. I'm not going to trick you, okay. Um ... it's just fair that way because whatever ... whatever we do here, we answer for later on. We have to explain later on, and I explained to you about facts and about why. The element of why. Why something occurs. How could this have occurred? Okay. Um ... I want to ask specific questions. I don't know. Some of the questions I already know the answers to, I'm going to ask them to see if you're telling me the truth, okay?

Defendant Graves: Alright.

Officer Harvey: Some of them I'm not going to know. You are going to have to tell me. I can't say what went on inside of Jason's mind, only Jason can do that. Is that fair enough?

Defendant Graves: Yes.

Officer Harvey: Alright, do you feel more comfortable now that we have this on tape and ...

Defendant Graves: It doesn't matter.

Officer Harvey: Yeah, it does ... Yeah, it does.

Defendant Graves: I can write it, and I can ... (Inaudible)

Officer Harvey: No, but we may do that later on. Before we ask specific questions, Jason, I have to do this and I believe it's already been done once before tonight. Okay, but I want to do it one more time. This is an advice of rights. This is the same thing I got to tell anybody whenever I speak to them and ask them specific questions about an incident.

Defendant Graves: Alright.

Officer Harvey: Okay. Before we may ask you any questions you must understand your rights. You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to talk to a lawyer for advise [sic] before we ask you any questions and to have him with you during questioning. If you cannot afford a lawyer one will be appointed for you for any questioning if you wish. If you decide to answer questions now, without a lawyer present, you still have the right to stop answering at anytime. You also have the right to stop answering anytime until you talk to a lawyer. Those are your rights.

Below here is a paragraph waiver of rights. I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

That pretty well straight forward English? No problems?

Defendant Graves: No problems.

Officer Harvey: Do you know what coercion is ? What is it?

Defendant Graves: Coercion? Say the word again.

Officer Harvey: Coercion.

Defendant Graves: What?

Officer Harvey: Okay. I think you do but just don't know how to put it. You know what it is, but you can't explain it.

Defendant Graves: I can't explain it.

Officer Harvey: What coercion is is, me forcing you to do something, not through physical violence.

Defendant Graves: In any form.

Officer Harvey: Right. It's another form. it's a, it's a psychological form. It's a manipulation, okay. I'm not here playing games. I'm not here ... There are no threats done, what so ever. Um ... and I'm not forcing you to do anything psychologic [sic]. I'm not playing games in your head. Is that fair enough ...

Defendant Grave: Yes.

Officer Harvey: Uh ... definition? Okay, why don't you read this over.

Defendant Graves: Just like, right here?

Officer Harvey: Yup, just like right there. This is probably a little bit clearer form. Okay?

Defendant Graves: Uh-huh.

Officer Harvey: Alright, did you have any problems with any of that?

Defendant Graves: No.

Officer Harvey: Okay. At this time, when we go into the why's, are you willing to talk to me? You can stop me at any time that you feel uncomfortable.

Defendant Graves: I'm willing to talk, but I don't want to sign this paper cause I'd like to have a lawyer, but I will answer any questions, but ...

Officer Harvey: You don't want to sign that right now.

Defendant Graves: I want ...

Officer Harvey: That's fine, you don't have to sign it.

Defendant Graves: I want to, I have the right to still have a lawyer?

Officer Harvey: Sure, sure. The question is, Jason, are you willing to talk to me now and then talk to a lawyer later?

Defendant Graves: Yes.

Officer Harvey: Okay. You don't need to sign that, I just need to know that you understand all that.

Defendant Graves: Right. I understand it.

Officer Harvey: Okay.

Defendant Graves: I just don't want to waive my right to not have a lawyer at any particular time during questioning.

Officer Harvey: That's fine, and at any time that you feel uncomfortable with me or uncomfortable with the situation, you can always stop me. Is that fair enough?

Defendant Graves: I don't feel uncomfortable.

Officer Harvey: Okay, that's fine.

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EXHIBIT 19

Detroit Free Press v. Recorder's Court Judge, Not Reported in N.W.2d (1992)

1992 WL 12537723

Only the Westlaw citation is currently available.

UNPUBLISHED OPINION. CHECK COURT RULES BEFORE CITING.

Court of Appeals of Michigan.

DETROIT FREE PRESS

v.

RECORDER'S COURT JUDGE.

Docket No. 148956.

Feb. 11, 1992.

ORDER

CONNOR, J.

*1 The Court orders that the motion for immediate consideration is GRANTED.

The Court further orders that the motion for superintending control is GRANTED.

This matter is remanded to the trial court to consider the request by petitioner Detroit Free Press, Inc, to permit still photography in the case now pending before the court.

Generally, film coverage shall be allowed in all court proceedings. Administrative Order No.1989-1, section 2(a).

A. judge may exclude film media coverage upon a finding, made and articulated on the record, that the fair administration of justice requires such action. AO 1989-1, section 2(b).

The trial court has failed to articulate any valid reason for exclusion on the record, or in the pleadings filed in this Court. Prior to rendering a decision the trial court should consider sections 5(b) and 5(b) of the Administrative Order 1989-1.

We do not retain jurisdiction.

All Citations

Not Reported in N.W.2d, 1992 WL 12537723

End of Document

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EXHIBIT 20

Detroit Free Press v. Thirty Sixth Dist. Judge, Not Reported in N.W.2d (1996)
24 Media L. Rep. 1886

1996 WL 33364376

UNPUBLISHED OPINION. CHECK COURT RULES BEFORE CITING.
Court of Appeals of Michigan.

DETROIT FREE PRESS, Plaintiff-Appellee,
v.
THIRTY SIXTH DISTRICT JUDGE, Defendant-Appellant.

Docket No. 170071.
|
LC No. 92-222840-AS.
|
May 14, 1996.

Before: MACKENZIE, P.J., and WHITE and M.W. LABEAU, JJ.

[UNPUBLISHED]

PER CURIAM.

*1 Defendant appeals the circuit court's supplemental order of superintending control, entered following the circuit court's determination that defendant had violated an earlier order granting writ of superintending control, pertaining to defendant's handling of requests for media coverage of proceedings in his courtroom. We conclude that although the circuit court did not err in concluding it had authority to exercise superintending control and did not abuse its discretion in determining defendant had violated the initial writ, the supplemental order is overly broad. We thus affirm in part and vacate in part.

Plaintiff brought an action seeking a writ of superintending control in August 1992,¹ alleging that defendant denied Free Press photographers access to court proceedings on five occasions over a six-month period, and had a standing policy never to allow cameras in his courtroom, which he had stated on the record. Plaintiff alleged defendant's blanket exclusion of cameras and failure to make findings and articulate them on the record violated Supreme Court Administrative Order No.1989-1 (AO 1989-1), which states:²

Film or Electronic Media Coverage of Court Proceedings

The following guidelines shall apply to film or electronic media coverage of proceedings in Michigan courts:

2. Limitations.

(a) Film or electronic media coverage shall be allowed upon request in all court proceedings. Requests by representatives of media agencies for such coverage must be made in writing to the clerk of the particular court not less than three business days before the proceeding is scheduled to begin. A judge has the discretion to honor a request that does not comply with the requirements of this subsection. The court shall provide that the parties be notified of a request for film or electronic media coverage.

(b) A judge may terminate, suspend, limit, or exclude film or electronic media coverage at any time upon a finding, made and articulated on the record in the exercise of discretion, that the fair administration of justice requires such action, or that rules established under this order or additional rules imposed by the judge have been violated. The judge has sole discretion to exclude coverage of certain witnesses, including but not limited to the victims of sex crimes and their families, police informants, undercover agents, and relocated witnesses.

(c) Film or electronic media coverage of the jurors or the jury selection process shall not be permitted.

(d) A trial judge's decision to terminate, suspend, limit, or exclude film or electronic media coverage is not appealable, by right or by leave.

3. Judicial Authority. Nothing in these guidelines shall be construed as altering the authority of the Chief Justice, the Chief Judge of the Court of Appeals, trial court chief judges, or trial judges to control proceedings in their courtrooms, and to ensure decorum and prevent distractions and to ensure the fair administration of justice in the pending cause.

*2 4. Equipment and Personnel. Unless the judge orders otherwise, the following rules apply:

(a) Not more than two videotape or television cameras, operated by not more than one person each, shall be permitted in any courtroom.

(b) Not more than two still photographers, utilizing not more than two still cameras each with not more than two lenses for each camera, and related necessary equipment, shall be permitted in any courtroom.

(c) Not more than one audio system for radio and/or television recording purposes shall be permitted in any courtroom ...

6. Location of Equipment and Personnel.

(b) Still camera photographers shall be positioned in such locations in the courtroom as shall be designated by the judge. Still camera photographers shall assume fixed positions within the designated areas and shall not move about in any way that would detract from the proceedings.

(b) Photographic or audio equipment may be placed in, moved about in, or removed from, the courtroom only during a recess. Camera film lenses may be changed in the courtroom only during a recess. [432 Mich. cxii-cxv.]

Following a hearing, the circuit court entered an order granting writ of superintending control on October 13, 1992, which stated in pertinent part that defendant:

... shall allow, upon proper request submitted not less than three business days in advance, pursuant to Supreme Court Administrative Order 1989-1, film or electronic media coverage of Court proceedings in his courtroom;

... may deny a three-day advance request only for reasons specifically related to the court proceeding for which coverage is requested, and in which the fair administration of justice requires such action. These reasons must be articulated on the record at the time the request is denied. It is not sufficient reason to deny coverage on the basis that the parties or witnesses involved must receive notification under the Administrative Order or give their consent;

IT IS FURTHER ORDERED that in all other respects, the Administrative Order of the Supreme Court controls request [sic] for electronic media coverage of proceedings before the Honorable David Martin Bradfield.

IT IS FURTHER ORDERED that the Court retains jurisdiction to enforce the terms of this Order.

Detroit Free Press v. Thirty Sixth Dist. Judge, Not Reported in N.W.2d (1996)

24 Media L. Rep. 1886

This Court dismissed defendant's claim of appeal from this original writ of superintending control as untimely and denied his application for delayed appeal.

Following entry of the writ granting superintending control, plaintiff made additional requests to photograph proceedings in defendant's courtroom and, after requests were allegedly denied or limited, moved to show cause why defendant should not be held in contempt for violation of the order granting writ of superintending control. At a show cause hearing in October 1993, there was testimony that defendant continued to deny plaintiff's requests for media coverage or imposed conditions more restrictive than AO 1989-1. One of plaintiff's requests was filed three days in advance but was denied as untimely. Another request was denied because it did not identify a particular proceeding, but rather indicated coverage was sought of proceedings on a particular day. There was also testimony that, although defendant approved several requests, the approvals were subject to conditions defendant imposed which were set forth in a document entitled "Special Court Rules for the Press," and attached to the approvals. The document stated:

STATE OF MICHIGAN 36TH DISTRICT COURT HON. DAVID MARTIN BRADFIELD PRESIDING

SPECIAL COURT RULES FOR THE PRESS

*3 Pursuant to Michigan Supreme Court Administrative Order 1989-1(4) the following rules apply for authorized photo, video and audio coverage in this court and supersede the subsections (a)(b) & (c) of that order:

- a. Not more than one camera whether videotape, television, or still photographic, shall be permitted in the courtroom. That camera shall be located centered in the last rearmost seat in the courtroom. No movement of the camera or its operator is allowed.
- b. No camera is allowed more than one lense-wide angle with no zoom lense. Close ups of any person in the court is [sic] prohibited. The faces of all court personnel must be obstructed or made unrecognizable.
- c. Only one audio system shall be permitted in the courtroom and is to be component with the camera or a wireless pick up at the location of the operator. No audio equipment will be allowed to be installed beyond the last rearmost seat in the courtroom.

David Martin Bradfield

Judge, 36th District Court

The circuit court determined defendant violated the initial order and issued a Supplemental Order of Superintending Control on October 22, 1993, which stated:

... that Judge Bradfield committed three separate violations of this Court's October 13, 1992 Order Granting Writ of Superintending Control, the Court being of the opinion that a Supplemental Order should be issued further restricting Judge Bradfield's power to make decisions regarding media access to his courtroom in light of his violations of the Superintending Control Order ...

[1] IT IS ORDERED that Judge Bradfield must grant all requests for film or electronic media coverage of court proceedings, whether or not the request is made three business days before the proceeding;

[2] IT IS FURTHER ORDERED that the request for film or electronic coverage of court proceedings need not specify a particular case;

[3] ... that the only proceedings for which Judge Bradfield has discretion to exclude film or electronic media coverage are those specifically enumerated in the last sentence of [paragraphs] 2(b), and in 2(c), of Supreme Court Administrative Order 1989-1;

[4] ... that Judge Bradfield can give reasonable directions to media regarding where any film or electronic cameras can be located in his courtroom when absolutely necessary to prevent disruption in the Court in a particular proceeding;

[5] ... that Judge Bradfield's authority to limit film or electronic media coverage is restricted to those situations set forth in this Supplemental Order, and shall be construed narrowly;

[6] ... that Judge Bradfield's "Special Court Rules for the Press," dated January 1, 1993 are VACATED, and Judge Bradfield shall not promulgate any such rules;

[7] ... that, if Judge Bradfield believes that news organizations are abusing their rights under this Order, or if he feels there is an ambiguity in this Supplemental Order, it shall be incumbent upon Judge Bradfield to file a motion in this Court seeking clarification or amendment of this Supplemental Order or of the October 13, 1992 Order;

*4 [8] ... that Judge Bradfield's Motion for a Stay of this Supplemental Order is Denied.

I

Defendant's initial argument, that the circuit court lacked authority to issue a writ of superintending control in the first instance, is not properly before us. Defendant concedes he was unsuccessful in his appeal from the original order. In any case, we believe the circuit court had both jurisdiction, *MCR 3.302(D)*, and authority to issue the original order. *Lockhart v Thirty-Sixth District Judge*, 204 Mich.App 684, 688; 516 NW2d 76 (1994).

Generally, for superintending control to lie, a plaintiff must establish the absence of an adequate legal remedy and that the defendant failed to perform a clear legal duty. *Id.* As defendant concedes, the first prong is met. AO 1989-1(2)(d) expressly states that "a trial judge's decision to terminate, suspend, limit, or exclude film or electronic media coverage is not appealable, by right or by leave." Defendant argued below the second prong was not met, that he did not fail to perform a clear legal duty, i.e., he did not violate AO 1989-1, but rather applied his interpretation of it, with which the circuit court differed.³

By its terms, all Michigan courts are subject to and bound by AO 1989-1. *See, e.g., Frederick v. Presque Isle Judge*, 439 Mich. 1, 9, 476 NW2d 142 (1991). Administrative orders are binding until changed or modified by the Supreme Court. *Detroit & Northern v. Woodworth*, 54 Mich.App 517, 520; 221 NW2d 190 (1974). The circuit court properly determined defendant's general and non-particularized policy of excluding photographic coverage violated his clear legal duty under AO 1989-1.⁴

The circuit court's initial order mandated compliance with AO 1989-1's requirement that denials of or limitations on timely requests for media coverage be articulated on the record, and precluded blanket exclusions of media coverage, in keeping with the AO's spirit that media coverage be allowed.

II

However, the supplemental order of superintending control, which defendant argues is overly broad, exceeded the dictates of AO 1989-1, and to the extent it did, we agree with defendant that the circuit court exceeded its superintending control power.

The superintending court does not substitute its judgment or discretion for that of the magistrate; neither does it act directly in the premises. Rather it examines the record made before the magistrate to determine whether there was such an abuse of discretion as would amount to a failure to perform a clear legal duty; and in such case, the superintending court orders the magistrate to perform his duty. [*Cahill v. Fifteenth Dist Judge*, 393 Mich. 137, 143; 224 NW2d 24 (1974), quoting *People v. Flint Municipal Judge*, 383 Mich. 429; 175 NW2d 750 (1970).]

Defendant was bound to obey AO 1989-1, and to obey the order of superintending control, as it was entered by a court with proper jurisdiction. *In the Matter of Hague*, 412 Mich. 532, 544-545; 315 NW2d 524 (1982). We conclude that the circuit court did not abuse its discretion in determining defendant's special rules for the press, which by their own terms "superseded" AO-1989-1, violated the original writ of superintending control, as did his denials of certain press requests. Although the circuit court's issuance of a supplemental order under those circumstances was not an abuse of discretion, the supplemental order, in the paragraphs we have numbered [1], [3], and [5], goes beyond ordering defendant to perform his legal duties. We thus vacate those provisions. We note that the initial order, which remains undisturbed, will fill any void created by our vacating the three paragraphs.

*5 Affirmed in part, and vacated in part.

All Citations

Not Reported in N.W.2d, 1996 WL 33364376, 24 Media L. Rep. 1886

Footnotes

- * Circuit judge, sitting on the Court of Appeals by assignment.

1 *In Re: Detroit Free Press, Inc., and Post-Newsweek Stations, Michigan, Inc.* Post-Newsweek Stations (WDIV) is not a party to this appeal. Plaintiff's August 1992 complaint stated that plaintiff and WDIV had previously unsuccessfully sought superintending control, civil action no. 92-210036-AS, and that the circuit court had ruled at a hearing in that matter that if defendant had a blanket rule against camera coverage such a rule would violate AO 1989-1, and that the circuit court would take action.

2 AO 1989-1 and its predecessors were adopted as an exception to the Michigan Code of Judicial Conduct's Canon 3A(7), which prohibits broadcasting, televising, recording or taking of photographs in Michigan courtrooms "except as authorized by the Supreme Court." See 429 Mich. xcix, at ciii-civ.

The predecessor to AO 1989-1, AO 1988-1, was adopted "to permit film or electronic media coverage in all Michigan courts except the juvenile division of the probate court ...", 429 Mich. xcix, following a one-year experimental program. See AO 1987-4, 428 Mich. cxl. AO 1989-1 pertains to all Michigan courts and took effect on March 1, 1989. 432 Mich. cxii.

3 Defendant argued the circuit court's superintending control power was limited to ordering defendant to articulate on the record his reasons for denying or limiting media access.

4 Following argument at the September 1992 hearing, the circuit court noted:

... my mandamus would merely say, any request that meets the procedural requirement of the Administrative Order may not be denied, absent a specific finding on the record that it will be disruptive in a particular case.

And, unless you've got something else to say, I'm going to grant the writ.

[*Defense counsel*]: The only thing I would say, your Honor, is I think that goes further and that intrudes upon the discretion of the lower court tribunal.

THE COURT: Well, I know. But, that's the major issue here. Whether the discretion goes to a judge's blanket conclusion that cameras are always disruptive, or whether the Administrative Order already finds that cameras are not disruptive on a blanket basis, but can be on an individual basis.

And, my view of the law is the latter.

[*Defense counsel*]: It must be an individual finding?

THE COURT: Right. Okay. I will grant it. And based on that, please prepare a writ of mandamus and submit it.

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